

ATTACHMENTS

to the

Workforce Investment Plan

Attachment 1

Notice of Public Hearing

Notice is hereby given that the Indiana Human Resource Investment Council will hold the following public hearings:

Monday, March 22, 1999	Tuesday, March 23, 1999
5:30 pm – 7:30 pm	5:30 – 7:30 pm
Ivy Tech State College	Central 9 Career Center
8204 Highway 311	1999 US 31 South
Room C46	Greenwood, Indiana
Sellersburg, Indiana	

Wednesday, March 24, 1999
5:30 – 7:30
Old Lakeville School Project
601 North Michigan
Lakeville, Indiana

These hearings will offer the public an opportunity to express their views on the Draft Strategic Five Year State Plan for Title I of the Workforce Investment Act of 1998 and the Wagner Peyser Act. On Monday, March 1, 1999 the draft will be available on the web site of the Department of Workforce Development at <www.dwd.state.in.us>. Written comments may be submitted to:

Indiana Human Resource Investment Council
10 North Senate Avenue
Indianapolis, Indiana 46204-2277.

To testify at a hearing, please contact the Human Resource Investment Council at (317) 232-1980. Commentators should keep their remarks to five minutes or less, and should provide a written copy of their remarks at the time of the hearing. Please note, the hearings are not training on the Workforce Investment Act, nor will there be a question and answer period. The purpose is to collect public comment on the draft plan.

Indiana intends to submit a unified State plan. Separate hearings are being held on the draft plans for the Carl D. Perkins Vocational and Technical Education Act and the Vocational Rehabilitation Act. The three documents will be submitted together to the relevant federal agencies as a unified State plan.

A hard copy of the DRAFT Strategic Five Year State Plan for Title I or the Workforce Investment Act of 1998 and the Wagner Peyser Act may be obtained by calling (317) 232-6456. A limited number of hard copies will be available. You are encouraged to access the document through the internet web site.

Attachment 2

TO: All DWD Local Office Managers
Administrative Entities
Grant Recipients

FROM: Marjorie R. Gurnik, Deputy Commissioner
Field Operations/Program Development

DATE: June 19, 1996

SUBJECT: DWD Communication **E96D-9007**
Minimum Requirements for Workforce Development Center
Information Resource Areas

Purpose:

The purpose of this communication is to provide a copy of the Information Resource Area (IRA) Requirement List for Workforce Development Centers (WDCs).

Rescission:

The attached IRA Requirement List supersedes all previous IRA requirement lists.

Content:

A workgroup consisting of eight state and local WDC counselors and three administrative office staff has compiled a new IRA Requirements List. The new list establishes minimum standards for the WDC IRAs. The new list provides statewide standards while giving the WDCs more flexibility in selecting materials.

The document establishes standard requirements for hardware, software, ADA equipment and supplies, and reference materials. In addition, subject areas have been identified, and minimum requirements for software, video and publications covering that subject have been established. Suggested materials for each subject area and medium are provided. The WDC (SDA and DWD managers and relevant staff) may select any materials that meet the requirements. The suggested materials are only included for the convenience of the WDCs.

Please Note: These requirements are for IRAs located in WDCs, but IRAs in non-WDC locations may also use these standards.

In addition to the IRA Requirements List, an "IRA Requirements Check List" and a "WDC Office Directory" are attached. The check list will be used to monitor and document each IRA's progress toward meeting the requirements.

The directory provides a list of the IRAs that are affected by these new standards. Nineteen (19) WDCs are currently subject to these new standards. Two (2) more WDCs will be subject to the new standards during Program Year 1996. The other five (5) locations will be brought

up to standards as funding becomes available.

Effective Date:

Immediately

Ending Date:

Not Applicable

Action:

All DWD local office managers in WDC offices are to take an inventory of their IRA using the check list. The completed check list is to be submitted to Marlene Mueller before July 8, 1996. This will allow the managers and the administrative support staff to measure progress toward meeting the new standards.

The SDAs in conjunction with local DWD staff will use local One-Stop grant funds to procure the needed materials to bring the WDC IRAs up to the minimum standards. Fourteen (14) of the SDAs received local grants. In those grants, a minimum of \$5,000 was allocated for procurement of SDA materials. If an SDA wishes to modify their grant request to move additional funding to their WDC IRAs, they should contact Judy Fair (233-5048) or William Miller (233-4010). Please note, the minimum standards must be met before the \$5,000 is spent on optional equipment and materials.

The One-Stop team will provide support and guidance upon request. The One-Stop team and Operations Support will assist the two SDAs that did not apply for local One-Stop grants with the procurement of needed materials.

General questions on this communication or the IRA Requirements List should be directed to Marlene Mueller (232-7372).

TO: All Chief Elected Officials and
WIA Steering Committee Members

FROM: Craig E. Hartzer, Commissioner

DATE: May 21, 1999

SUBJECT: DWD Communications Policy: # 98-65
Identifying Eligible Training Providers
under Workforce Investment Act

Re: Workforce Investment Act Funding

Purpose: The purpose of this communication is to provide updated policies and guidelines for the local Workforce Investment Boards (WIBs) to use in identifying eligible training providers and to establish processes and procedures for the certification of those training providers by the WIBs and the State. **This new policy does not conflict with anything you may have initiated under the old policy. It clarifies and in some instances simplifies any future activity.**

Rescissions: This DWD Communication replaces DWD Communication #98-45 issued on March 2, 1999. This communication significantly modifies communication #98-45. It is strongly recommended that the new communication policy be read in its entirety. Major areas for changes include:

Training Programs from Community Based Organizations,
Definition of "program of training services",
Fully functioning Consumer Reporting System,
Data to be included on the training provider list submitted by the WIBs to the State,
Who the WIBs submit the training provider lists to,
Clarification on out-of-state training providers and training providers located in other WIBs,
Exception of Higher Education Act and National Apprenticeship Act training programs submitting performance data during the first year of WIA,
Statistical (performance) data reduced from 5 years to 1 year,
Acceptable reasons for denial of a training program,
The wording on the appeal rights has been cleaned up to correct typographical errors and confusing language,
Other wording has been changed to add clarity and meaning to the policy.

Content:

Overview

The Workforce Investment Act of 1998 mandates "an individual training account system" (ITA) that requires one stop operators to provide eligible customers with ITAs to pay for training at the educational institution of their choice. The Workforce Investment Act also mandates that local WIBs in conjunction with the State develop and disseminate an eligible training provider list that allows the customer to make an informed decision from qualified training entities. This policy addresses initial and subsequent eligibility for training providers, the training provider list and the appeal process.

For matters of administration the State of Indiana will be represented by the Department of Workforce Development. All matters assigned to the State by this policy will be the responsibility of the Department of Workforce Development.

Who qualifies as a training provider?

The intent of the Workforce Investment Act is to allow the job seeker that qualifies for training services through WIA to have freedom of choice in selecting any qualified training provider. The Act also intends for the job seekers to make their decisions based on actual performance criteria. Therefore, the training provider list should provide as many qualified training providers as possible with associated performance data. This allows the trainees to make informed decisions when selecting a training provider.

There are two stages of eligible training provider determination, the initial application (first year of application for a specific training program) and the subsequent application or re-certification (an annual redetermination).

Concerning the initial eligibility determination, the following entities will qualify as training providers as long as they make application as prescribed by the State and local WIB.

- All programs provided by postsecondary educational institutions under Title IV of the Higher Education Act of 1996 that lead to associate degrees, baccalaureate degrees and/or certificates, and
- All programs provided under the National Apprenticeship Act.

In addition, any training program from any training provider may also be approved as long as they make application as prescribed and as long as their performance data meets the approval of the WIB.

What is the initial application process for training providers?

The WIBs will be responsible for notifying training entities in their area of the opportunity to apply for status as approved training providers. At the discretion of the WIB, it may also solicit training providers from outside of the Workforce Investment Area, including training providers located in other states. This solicitation may be done through a combination of direct mailings, newspaper notices and other appropriate means. The WIB will be responsible for ensuring that the training providers have access to the format/forms for making application and to a list of demand occupations for its area. The demand occupation list is important because WIA requires training funds to be used to train people for demand occupations. The demand occupation list tells training entities where training funds will be used. The demand

occupation list will be compiled from projection models and information obtained locally regarding retirements and turnover rates for specific industries and occupations. WIBs may narrow the occupation list to those occupations that are most advantageous to the local economy, pay good wages and benefits, and/or can be trained for in a reasonable period of time.

The training provider should make application to the WIB in the area in which the training provider is located. They may make application to another WIB if their training program does not address a demand occupation in their local Workforce Investment area. The training provider must also make application for each program for which they wish to provide training services. Each WIB will be responsible for creating an application for training providers. Since the applications will result in a statewide list, a statewide standard is necessary. Such forms will comply with standards established by the State. The standards will allow for local customization, to allow the local WIBs to collect data beyond the State requirements. The WIBs may require the submission of their application on paper and/or electronic media to facilitate easy compilation of the data needed for the statewide training provider list.

The WIB must provide their initial training provider data to the State twenty-one calendar days prior to the end of the calendar quarter (June 9, 1999). This initial closing date will allow the State the necessary time to certify, compile and publish the statewide list by June 30, 1999. Training providers will be eligible to apply throughout the year. At a minimum, the State will publish a new/revised quarterly training provider list on July 1, October 1, January 1 and March 1. These lists will include training provider information provided to the State by the WIBs a minimum of twenty-one calendar days prior to the scheduled publish date. Training providers will be approved training providers upon publication in the statewide list. This will begin with the first day of the calendar quarter after they were certified by the WIB.

What about out-of-state training providers? Can they be on the statewide list of approved training providers?

Under normal situations the states are to reach reciprocal agreements that allow the use of training providers from each other's statewide lists. Since Indiana is an early implementation state and most of our border states are not early implementers, the reciprocal approach will not work for the first year of operation. WIBs that normally deal with out-of-state training providers should solicit application from those out-of-state providers. If approved by the WIB and State they will then appear on Indiana's statewide list of eligible training providers.

What about training programs from Community Based Organizations (CBO)? Can they be placed on the Eligible Training Provider List?

Training programs from CBOs may be approved for the eligible training provider list. The WIBs should consider the following points in addition to the "normal items" in determining the appropriateness of the CBO training programs for the eligible training provider list.

- Is the training available to the general population or is it a specialized program for selected portions of the population?
- Is the registration for the class open to all or is inclusion the result of a special project?
- Is the class given on a regular schedule or is it a specially scheduled class?

Please keep in mind that the training classes on the eligible training provider list are to be

available to all of our customers who are approved for training. If the CBO training programs generally meet this requirement they may be approved as eligible training providers. CBO training programs may also be considered for contracted training for special participant populations.

The Workforce Investment Act and the Interim Final Rules refer to an eligible training program as a "program of training services." What is a "program of training services"?

The Rules state: "A program of training services is: (a) One or more courses or classes that, upon successful completion, leads to: (1) A certification, an associate degree, or baccalaureate degree, or (2) A competency or skill recognized by employers, or (b) A training regimen that provides individuals with additional skills or competencies generally recognized by employers."

For the purpose of ITAs, a program of training services must also be generally available to the public, must have regularly scheduled training programs, and must result in a recognized certification or a specific certification of skills attainment.

Example: Some entities might offer classes in word processing or spreadsheets that are generally applicable across a wide range of occupations and do not result in a widely recognized "credential." Such classes would be intensive services, not training services.

What type of information is required by the State on the initial training provider application?

An appropriate portion of the following information is required from the training provider for initial certification. Providers should furnish as much as possible, give justification for missing or incomplete data and describe how they will collect missing data so that it will be available for re-certification purposes. For the initial certification during the first year of WIA, performance statistics for programs offered by postsecondary educational institutions under Title IV of the Higher Education Act of 1996 that lead to associate degrees, baccalaureate degrees and/or certificates, and all programs provided under the National Apprenticeship Act do not need to provide performance statistics.

- Training Provider Information
 - Institution Name and Mailing Address
 - Contact Name
 - Telephone Number
 - Fax Number (if available)
 - E-Mail Address (if available)
 - Web Site Address (if available)
- Program Description
 - Program Name
 - Prerequisites
 - Training Location(s)
 - Program Length
 - Program Synopsis (limited to 50 words)

- Program Costs
 - This figure should include all costs and should be as accurate as possible.
 - A brief description of the cost should include what is covered by the cost and what is not.
- Statistics (*For the initial application only, this information is not mandatory for Higher Education Act and National Apprenticeship Act training programs.*) DWD, in partnership with the WIBs will establish performance levels for these items over the next few months.
 - Program Completion Rates for all individuals participating in the applicable program conducted by the institution. The raw numbers (total participants and total participants that completed the program) and the completion percentage. These figures should reflect training in the applicable program over the most recent year.
 - The rate of all individuals participating in the applicable program who obtain unsubsidized employment within six months (plus or minus) of program completion. The raw numbers (total completers and total completers that obtained unsubsidized employment) and the unsubsidized employment percentage. These figures should reflect training in the applicable program over the most recent year.
 - The percentage of individuals participating in the applicable program who obtain unsubsidized employment in an occupation related to the program. The raw numbers (total completers and total completers that obtained unsubsidized employment in related field) and the unsubsidized employment in related field percentage. These figures should reflect training in the applicable program over the most recent year.
 - The wages at placement in employment of all individuals participating in the applicable program. Wages should be shown as hourly rates. Benefits should not be factored into the rate, but may be listed as an hourly benefit rate. These figures should reflect training in the applicable program over the most recent year.

The cost of a training program may vary from provider to provider because of what is included in the training cost. In addition costs often change over time. How do WIBs and their service providers address this issue?

One-Stop staff should advise those referred to training to check with the institutions to verify the current costs and to identify possible additional costs before making a final decision on a training provider. A possible example might be training for an automobile mechanic. School A offers the training for \$1,500 and School B offers the training for \$1,300. However, School A includes a \$400 set of tools and with School B the tools are an additional cost for the student.

Will a fully functioning Consumer Reporting System (CRS) be available on July 1, 1999 that will, at a minimum, display the WIA Approved Training Provider List and allow for comparison of training programs based on cost and performance data?

The state is looking at two separate automated CRSs. It is unlikely that either will be available for use before July 1, 1999. For initial implementation the CRS will consist of a statewide Eligible Training Provider List and ICIS (Indiana Career Information System - <http://icis.indiana.edu/>). The state will continue working toward a more automated/internet-based system for collecting and displaying information on training providers. We do strongly support the use of ICIS to secure career and educational information.

How often do training providers need to be certified?

Eligible training providers must be certified on an annual basis. The primary reasons for the re-certification are to verify that the training provider is still offering the training, to ensure that the information on the training and training provider is accurate, and to collect updated performance data to ensure that minimum State performance levels have been achieved, or that other performance levels endorsed by the State have been attained. When a training provider is certified, the state will assign an expiration date. Twenty-one days prior to the expiration date, the WIB must provide the State with updates to the approved training provider list. This requires the WIB to establish a re-certification process for training providers. Failure to apply for re-certification will result in the expiration of the current certification and removal from the statewide approved training provider list.

The WIB and the State have the right to deny re-certification. The application and appeal processes will be the same as those for the certification process.

Subsequent Eligibility - What type of information is required for re-certification?

The following information is required from the training provider for subsequent or re-certification.

- All data required under the initial certification, plus
- The following additional statistics - DWD in partnership with the WIBs will establish performances levels for these items over the next few months:
 - The percentage of WIA subsidized participants who have completed the program and been placed in unsubsidized employment. These figures should reflect training by WIA applicants in the applicable program over the most recent year.
 - The percentage of WIA subsidized participants who are still in unsubsidized employment six months after the first day of employment. These figures should reflect training by WIA applicants in the applicable program over the most recent year.
 - The average wages of WIA subsidized participants' six months after the first day of employment. Wages should be shown as hourly rates. Benefits should not be factored into the rate, but may be listed as an hourly benefit rate. These figures should reflect training by WIA applicants in the applicable program over the most recent year.
 - Where appropriate, the rate of licensure or certification, attainment of academic degrees or equivalents or attainment of other measurable skills, of the WIA subsidized participants. These figures should reflect training by WIA applicants in the applicable program over the most recent year.
 - Other locally required data may be requested, but WIBs should weigh the value of the data against the cost for collection of such data, since they may be responsible for the cost of collecting such additional program related data. (*See Title I, Section 122(d)(3)*)

Under what conditions should a training program be denied?

A training program may be denied certification for the following reasons:

The application is not complete or is not submitted in a timely manner,

The program does not meet the definition of WIA Training Services,

The performance data is not included with the application or the performance data does not meet established performance levels. (Note: The performance data may be waived for the year of initial eligibility.),

The training program does not support the demand occupations for the area,

The training provider is delinquent in delivery of reports, payment of debt, or otherwise

out of compliance with the Act, regulations, or any agreement executed under WIA.
The training provider is not current in the payment of unemployment insurance contributions or reimbursements, or
Any other requirement for training program under the Workforce Investment Act of 1998 is not met.

The State also has the responsibility to remove training providers from the approved training provider list under the following conditions:

The State shall remove a training provider from the approved training provider list if it is determined that the training entity intentionally supplied inaccurate information.

The State may remove a training provider from the approved training provider list if it is determined that the training entity substantially violated any requirement under the Workforce Investment Act of 1998.

What if the training entity does not have the required performance data?

The requirement for performance data may be waived by the WIB upon a showing of good cause. Good cause shall be limited to 1) the training program is new and there is no past performance (initial eligibility only), 2) collection of any data beyond the minimum required by law will cause excessive costs and/or hardship for the training provider; and 3) WIA specific data (for re-certification) is not available because insufficient time has elapsed to have completers.

If the training provider does not have the required performance data, it must provide the data that is available and must provide written justifications for the missing data. The provider must also indicate how it will track and record the data necessary for re-certification. The WIB must document and retain their reasoning for waiving the performance data requirement.

The performance data is not required for initial certification for training programs leading to a certificate or degree under Title IV of the Higher Education Act and for training programs under the National Apprenticeship Act.

How does a training entity know that its training program(s) has been approved?

Upon a determination by the WIB that an application by a training provider for a specific program and location does not meet the eligibility requirements set forth in the law or state/local policy, the WIB shall promptly (within ten workdays) issue a determination denying (denial notice) the application. A separate denial notice will be required for each training program denied. Such denial notice shall be mailed to the training provider at the address listed on the application and to the attention of the contact person identified on the application, shall clearly display the "date mailed" on the denial notice, and shall clearly identify the program and location that was denied and the specific reason for the denial. The denial notice shall also clearly state that the training entity has the right to appeal to the local WIB within fourteen (14) calendar days of the date the denial notice is mailed.

The State, upon receipt of the WIB training provider list and after appropriate evaluation of such lists, shall promptly issue determinations to any training provider that the State removes from the WIB training provider list. The State shall follow the same guidelines outlined above for the WIB training program denial process. If the State does not send a denial notice within

thirty (30) days after the submission of the WIB training provider list, the training program is automatically approved and will be published in the state approved training list.

What data must be included on the approved training provider list submitted by the WIBs to the State?

All of the State required data (*See page 3 & 4 - What type of information is required by the State on the initial training provider application?*) for the locally approved training providers must be submitted. Information concerning training providers denied inclusion on the approved training provider list are not to be submitted, but must be retained by the WIB.

Where should the WIBs mail the local approved training provider lists?

The WIBs should mail or otherwise deliver the local approved training provider lists to:

Director of Policy and Planning
Department of Workforce Development
10 North Senate Avenue
Indianapolis, IN 46204

What appeal rights do the training providers have?

Training providers can have a training program denied inclusion in the statewide training provider list by either the local WIB or the State. The State also has the right to remove the training provider from the training provider list if it is determined that the provider knowingly supplied inaccurate information or otherwise violated requirements under the Workforce Investment Act. The training provider has appeal rights to all of these denials.

The training provider has fourteen (14) days from the mailing of a notice containing the denial of a training program in which to file an appeal to the originator of the notice (WIB or State).

The request for appeal must clearly indicate that the training provider wants to appeal the denial and must clearly identify the training program and its location being denied. The request for appeal must be signed and should include the reasoning for the appeal. Such appeal must be submitted in writing.

The WIB or State (as appropriate) will review the request for appeal and based on this review may reverse their original decision if an administrative error was made or if additional information submitted by the training provider changes the basis on which the original decision was issued. This initial process will be referred to as an administrative reconsideration and must be completed within five (5) workdays of the receipt of the request for appeal.

If the WIB reverses a prior decision, the WIB will forward the request with a copy of the appeal file to the State for inclusion on the statewide list and will also notify the training entity in writing that they have reversed their original decision and have forwarded the request to the State. If the State reverses its prior decision, the State will notify both the WIB and the training provider of the reversal and will follow the appropriate procedures to incorporate the training provider into the statewide list.

If after the review process, the WIB or State does not reverse their original decision, they

must forward the appeal to the DWD Legal Section. This must be done within five workdays of the receipt of the letter requesting the appeal. The DWD Legal Section will conduct a hearing at which the training provider and party denying the training request (WIB or State) will be allowed to present their cases. The DWD Legal Section will issue an independent decision based on the information gathered at the hearing. A written decision will be issued to the training provider and other interested parties.

If the DWD Legal Section reverses the denial, the WIB and/or State will comply with the decision in a prompt and efficient manner. Procedures outlined above for certifying training programs, inclusion of the training program in the statewide list, and written notification to the training provider will be followed.

The DWD Legal Section's decision will be final.

Effective Date: Immediately upon issuance.

Note: Additional requirements included in this communication do not apply to training providers that were solicited under DWD Communications Policy #98-45. Portions of this communication that lessen the requirements on the training providers solicited under DWD Communication Policy #98-45 will apply.

Ending Date: June 30, 2004

Action: Please review this policy for Identifying and Certifying Training Providers under the Workforce Investment Act. Chief Elected Officials and WIA Steering Committee members should insure that all appropriate people in their respective areas have copies of this policy and use the guidance provided in the policy for identifying and certifying training providers, the issuance of local WIB policies, and other such activities as appropriate.

Attachment 1:

SAMPLE
Initial Application to Provide Training Services
Under the Workforce Investment Act of 1998

Training Provider Information:

Institution Name:
Institution Address Line 1:
Institution Address Line 2:
City, State, Zip Code:

Contact Person:
Telephone Number:
Fax Number:
E-Mail Address:
Web Site Address:

Program Description:

Program Name:
Prerequisites:
Training Location(s):
Program Length:
Program Synopsis:

Program Costs:

Statistics *(Not required for Higher Education Act and National Apprenticeship Act training programs during the first year of WIA):*

Completion Rate:
Total Participants:
Completers:
Percentage:
Employment Rate:
Total Participants:
Total Employed:
Percentage:
Related Employment Rate:
Total Participants:
Total Employed:
Percentage:
Wages:
Beginning Hourly Rate:

For any items that are left blank, provide a reason and indicate how such data will be collected in the future for re-certification purposes.

To: Chief Elected Officials
Steering Committee

From: Craig E. Hartzler

yes

WIB or State Perform

18

Commissioner

Date: May 17, 1999

Subject: DWD Communication 98-62

1) Use of Individual Training Accounts (ITAs) for Workforce Investment Act training funds; and 2) Coordination of ITAs with other grant assistance.

Re: Workforce Investment Act

Purpose

To provide policy concerning the payment of training expenses to eligible training providers for the training of individuals using funds from the Workforce Investment Act. This policy covers all payments for training excluding payments for on-the-job training and customized training.

Rescission

Department of Workforce Development (DWD) Communication 97-29 and DWD Communication 97-66

Content

Introduction and Overview

Individual Training Accounts (ITAs)

The Workforce Investment Act (WIA) states that, "Training services...shall be provided in a manner that maximizes consumer choice in the selection of an eligible provider of such services." (Section 134(F) of WIA)

To enable the participant to make a responsible and informed choice about where best to receive training, WIA uses three mechanisms:

Individual Training Accounts;
A statewide list of eligible training providers;
Consumer information regarding training providers.

More information follows. **State policy is indicated by bold print.**

Coordination With Other Grant Assistance

WIA requires that training funds be coordinated with other grant sources for training such as the Pell Grant. (Section 134(d)(4)(B)) This policy also describes federal and state requirements on this coordination. Additional guidance may be found as follows:

Workforce Investment Act of 1998

- Title 1, Section 134(d)(4)(F) Consumer Choice Requirements
- Title 1, Section 134(d)(4)(G) Individual Training Accounts
- Title 1, Section 134(d)(4)(B) Coordination with other Grant Assistance

- | | |
|---|-------------------------------|
| Interim Federal Regulations | |
| -- 20 CFR § 663.320 | Coordination with other Grant |
| Assistance | |
| -- 20 CFR § 663.400-663.440 | Individual Training Accounts |
| State Policy | |
| -- Identifying Eligible Training Providers under the Workforce Investment Act (DRAFT) | |
| -- Assessment and Case Management Processes Policy (DRAFT) | |

Individual Training Accounts

WIA mandates that all training services (except for on-the-job training and customized training) be provided through the use of ITAs and that eligible individuals shall receive ITAs through the one-stop delivery system. (Section 134(G) of WIA)

ITAs are funded with adult and dislocated worker funds authorized under Title I of WIA. ITAs pay for training services for skills in demand occupations as defined by the local WIB from training providers on the approved list of eligible training providers. (Sections 134(F)(ii) and 134(G)(iii)) Payments may be made in a variety of ways, including the electronic transfer of funds through financial institutions, vouchers, or other appropriate methods. Payments may also be made incrementally, through payment of a portion of the costs at different points in the training course. (WIA Section 134(d)(4)(G).) 20 CFR Part 663.410.

Local policy must incorporate the following:

How participants will receive assessment, counseling, and an individual employment plan through intensive services prior to selecting a training program. These elements of intensive services are mandatory under state policy before arranging for WIA training services;

How the training will be limited to skills relevant to demand occupations.

How the participants will learn of the demand occupations or skills and how exceptions to the list of locally recognized demand occupations will be handled. The WIB must be involved in the exception process. The demand occupations or skills are to be contained in the local workforce development plan;

How the ITA training services policy will be communicated in simple, understandable language to customers of the one-stop center;
How the participant will have access to the list of eligible providers through the one-stop system. [note: DWD intends to publish the list of eligible providers on its Internet website, but local areas may prefer to use additional media for the customer's convenience]. Participants must be able to access WIA training services from any eligible training provider on the state list. The list should be used in tandem with the Indiana Career Information System

(ICIS) to provide consumer information on educational entities. The website address is: <http://icis.indiana.edu>;

Whether the ITA covers books, fees, and other education materials in addition to tuition;

The duration of the ITA;

How the value of each ITA will be determined (e.g., will there be a cap on value, will the cap vary for occupations or populations, etc.). A range of amounts may be established and/or a maximum amount applicable to all ITAs may be established;

If a dollar amount and/or durational limit for an individual participant is established, how such limit(s) will be based on the needs of the participant as identified in the individual employment plan;

A process for documenting how other sources of funding were sought first (e.g., Pell Grants, one-stop programs other than WIA, etc.);

The internal procedure for endorsing and facilitating access to training services.

A process for tracking WIA Title I expenditures paying for the individual's training;

The method for disbursement of funds. Only training providers that are on the list of eligible providers are able to redeem ITAs for payment.

Dollar amount and/or durational limitations established by WIB policies must be described in the local workforce investment plan but should not be implemented in a manner that undermines the Act's requirement that training services are provided in a manner that maximizes customer choice in the selection of an eligible training provider.

Limited Exceptions to the use of ITAs:

ITAs are the primary method for the payment of occupational skills training leading to a degree, certification, or employer recognized skill certification under WIA. Contracts for services may be used instead of ITAs only when one of the following three exceptions apply:

1. When the services provided are on-the-job (OJT) or customized training.
2. When the local WIB determines that there are an insufficient number of eligible providers in the local area. The local plan must describe the process to be used in selecting the providers under a contract for services. This process must include a public comments period for interested providers of at least thirty (30) days.
3. When the local WIB determines that there is a training services program of

demonstrated effectiveness offered in the area by a community-based organization or another private organization to serve special participant populations as defined in Section 134(d)(4)(G)(iv) of WIA¹, that face multiple barriers to employment. The WIB must develop criteria to be used in determining demonstrated effectiveness, particularly as it applies to the special participant population to be served. The criteria may include, but are not limited to:

- (A) Financial stability of the organization;
- (B) Demonstrated performance in measures appropriate to the program including program completion rate; attainment of the skills, certificates or degrees the program is designed to provide; placement after training in unsubsidized employment and retention in employment;
- (C) The relevance of the specific program to the workforce investment needs identified in the local plan.

Consumer Choice

Training services, whether accessed by ITAs or under contract, must be provided in a manner that maximizes informed consumer choice in selecting an eligible training services provider in accordance with the goals and objectives outlined in the client's individual employment plan. WIBs, through the local one-stop center, must make available to customers the State list of eligible providers required in WIA Section 122(e). Please review DWD's policy on eligible training providers for complete information.

An individual who has been determined eligible for training services may select a provider from the State eligible training provider list after consultation with local staff. The WIB sets the policies for accessing ITAs. The ITA is funded by the applicable adult or dislocated worker program under Title I of WIA.

Coordination of ITAs with other Grant Assistance

The WIA limits funding for training to individuals who are a) unable to obtain grant assistance from other sources to pay the costs of their training; or b) require assistance beyond that available under grant assistance from other sources to pay the costs of such training. (Section 134(d)(4)(B)) Training providers must consider the availability of Pell Grants and other sources of financial assistance to pay for training costs, so that WIA funds supplement other sources of training grants. Program operators and training providers must coordinate available funds to pay for training and avoid duplication of payments. Please see the attachment for background information on Pell Grants.

¹The term "special participant population that faces multiple barriers to employment" means a population of low-income individuals that is included in one or more of the following categories: (1) individuals with substantial language or cultural barriers; (2) offenders; (3) homeless individuals; and (4) other hard-to-serve populations as defined by the Governor. [DWD included "individuals with disabilities" as a hard-to-serve population.]

The exact mix of funds should be determined based on the availability of funding for either training costs or supportive services, with the goal of ensuring that the costs of the training program the participant selects are fully paid and that necessary supportive services are available so that the training can be completed successfully. This determination should focus on the needs of the participant. There are three caveats:

WIA funds for training services are limited to instances when there is not or inadequate grant assistance from other sources.

Duplicate payments of costs when an individual is eligible for both WIA and other assistance including Pell Grants must be avoided.

Participation in a training program funded under WIA may not be conditioned on applying for or using a loan to help finance training costs.

Program operators and training providers must coordinate by entering into arrangements with the entities administering the alternate sources of funds, including eligible providers administering Pell Grants (20 CFR Part 663.320(b).) These entities should consider all available sources of funds, excluding loans, in determining an individual's overall need for WIA funds.

With appropriate coordination and arrangements, the WIA counselor is likely to know the amount of Pell Grant funds available to the WIA participant when calculating the amount of financial assistance needed for the participant to complete the training program successfully. The WIA counselor needs to work with the WIA participant to calculate the total funding resources available as well as to assess the full "education and education related costs" (training and supportive services costs) if the participant is to complete the chosen program.

Section 134(d)(4)(B)(ii) permits a WIA participant to enroll in a training program with WIA funds while an application for Pell Grant funds is pending. However the WIB must be reimbursed if both funding sources end up paying the same costs for the same client.

When the agreements negotiated are performance-based contracts, one stop centers must prohibit training institutions or organizations from holding the student liable for outstanding charges. Otherwise, the performance agreements would be undercut because the incentive for the institution or organization to perform would be removed. Also, the practice of withholding Pell Grants from students is prohibited by the U. S. Department of Education.

Local policy shall include:

procedures so participants will be assisted early in the assessment process, as appropriate, to establish eligibility for HEA Title IV funds and other forms of financial aid. This includes providing the appropriate application forms to participants and providing any needed assistance in completing and submitting these forms.

guidelines to determine and document, prior to training enrollment, that to the extent practicable, available Federal, State, and local resources are coordinated sufficiently to meet the training and education-related costs of services, so that the participant can afford to complete the agreed-upon program successfully. Resources may include wages earned by the participant through employment while attending training.

how local staff will record the participant training-related financial assistance needs and the mix of funding assistance (employment and training and HEA funding) in the participant's record. Also, local policy will establish a methodology to determine the participant training-related financial assistance needs.

procedures and forms to authorize release of a participant's financial aid information by the post-secondary institution.

that the ITA contains language requiring the educational institution's financial aid officer to inform the local WIB staff of the amounts and disposition of any HEA, Title IV awards and other types of financial aid to each participant awarded after the enrollment of the participant, as part of a continuing, regular information sharing process. Also, the ITA contains language which must establish safeguards to ensure that WIA (and other one-stop partner) funds are used in addition to funds otherwise available and are coordinated with these funds.

that participants are not required to apply for or access student loans or incur personal debt as a condition of participation. However, the participant may incur personal debt when agreed to and after counseling regarding the responsibilities associated with the indebtedness, including loan repayment. Such counseling must be acknowledged in the participant's record.

that local WIB staff must develop appropriate contractual safeguards in the contract with the post-secondary institution to prevent the participant from being billed for outstanding charges. Such language is particularly important when performance-based or other service provider contracts are used where payment may be withheld based upon contractor performance.

DWD encourages WIBs to develop policies and local operating procedures concerning the cost of training and training-related expenses that reflect prudent fiscal management and results in outstanding customer satisfaction. Every effort should be made to honor the commitments made to clients. But clients must also understand that they must assume some of the responsibility.

Questions concerning ITAs and Pell Grants may be directed to Jennifer Biddle, Planning

Analyst, at 317/232-7459.

Effective Date

July 1, 1999

Ending Date

June 30, 2004

Action

Local policies concerning ITAs must be developed.

CEH:JMB/itapell.wp5

Background on the Pell Grant

Federal Pell Grants are considered to be the foundation of a student's financial aid, to which other Federal and non-Federal sources of aid may be added. Pell Grants are reserved for the student's use to cover tuition and living expenses incurred for undergraduate, post-secondary education or training. Preliminary eligibility for Pell Grant can, and should, be determined before the participant enrolls in a particular school or training program. The application for determining eligibility and ultimately the amount of the grant, should be readily available at all one-stop centers for assistance in the completion of these "gateway" financial aid applications.

The Student Financial Aid Program uses the following two figures when calculating a student's eligibility for and amount of Pell Grant assistance:

The Expected Family Contribution (EFC) formula is the standard formula used in determining financial need for Federal Pell Grants and other student financial aid programs. The EFC is based on information the student reports on the financial aid application form.

The Cost of Attendance (COA) is an estimate of a student's education expenses for the period of enrollment. These expenses include tuition and fees, room and board, books, supplies, transportation and miscellaneous expenses, child care, and special costs for handicapped students/participants.

For WIA purposes, a student's unmet financial need for Student Financial Aid Program funds is equal to the student's Cost of Attendance, minus his/her Expected Family Contribution, minus his/her Pell Grant eligibility, minus financial aid from other sources. The total aid a student may receive from all sources may not exceed the student's Cost of Attendance. (A student may borrow the amount of the EFC from the Federal Family Education Loan Program (FFELP).)

A Systems Approach to Workforce Certification in Indiana

Indiana has begun to put into place the final stages of a life and career-long process by which students and workers alike can document and communicate their knowledge and skills as they pursue their career pathways. Beginning in 1992 with the formation of the Workforce Proficiency Panel, a process of occupational analysis was developed to document what workers need to know and be able to do to be successful in the workplace. This process yielded Proficiency Guides, which have been successfully used as references for secondary and post-high school teachers to develop real-time, real-work scenarios in conjunction with business and industry as a framework for organizing curriculum and instruction. Certificates signed by Governor Frank O'Bannon and previous Governor Evan Bayh have been issued to students who use them when seeking employment or when matriculating into post high school education

As people meander through their career pathways and go in and out of the educational and work environments, they have the opportunity to attain higher levels of skill, responsibility and remuneration. The final stage of this process envisioned at this time is to issue certificates to incumbent workers. This completed a process of life-long education and Certification. To do this, a more specific occupational analysis to create employer-based scenarios upon which to assess the employer's workforce and issue certificates is required.

Using the skill standards of national initiatives such as the Building Linkages Among Academic and Technical Skills and the Voluntary Partnerships for economic clusters provides an opportunity to build a quality workforce across industries and sectors.

A protocol has been developed and implemented in a total quality and continuous improvement environment for the development and assessment of secondary and post high school students. Currently, a formal protocol for working with employers has not been documented. However, Indiana has funded prior initiatives to train Workforce Development Center staff to conduct occupational analysis, assess the workforce, and provide counseling for employment security. The training materials for these initiatives provide an initial protocol and can be updated as they are used in this process.

The attached graphic describes the process and the supporting protocol will be developed as the Department of Workforce Development works with increasing numbers of employers to issue Certificates of Technical Achievement to be used to document knowledge and skills leading to higher levels of skill, responsibility and remuneration. The process model represents the step-by-step procedures that are essential. Each block on the model represents a set of activities, which will allow the analyst to make systematic decisions. Each step is critically dependent upon the information gained through the previous set of activities. To skip a step, or to complete a step out of order, is a significant gamble and most often ends in disappointment for the employer.

Conduct Organizational Analysis to identify Business Requirements

Experience has shown that the study of a job to determine the required technical, academic, and workplace skills comprises much more than observing a person in a position. For the

Certificate of Technical Achievement to have value to the employer and employee, it should help stabilize the production environment and build skill standards into career pathways leading to higher levels of skill, responsibility, and remuneration. Ultimately, there must be an impact on the employer's Business Requirement such as increased productivity, reduced scrap and rework, reduced absenteeism, etc.

To be effective, the analyst must have an understanding of how the business operates, how it communicates, and the amount of control and responsibility assigned to the position. Given this vision, the analyst can observe not only the actions of the job but the interactions of the job leading to increased employee involvement in decision-making and improved teamwork.

Conduct Occupational Analysis to identify Knowledge and Skill

Occupational analysis must be conducted in the workplace. Most employees begin at an entry level into a particular employer and as they proceed through a training process, increase their knowledge and skill leading to greater. For most employers, this is not a well-structured process and lacks consistency because there is no protocol to guide persons through the training process and document what they know and are able to do.

The Indiana process promotes a consistent occupational analysis and assessment process through the use of real-time, real-work scenarios. When working with employers to develop Certificates for incumbent workers, a review of training and other materials for employee development must take place. Forms to be filled out and documents to be read must be collected and analyzed. Observation should identify technical skills and verify the use of forms and documents and, also, reveal situations requiring the communication of employees at every level.

Then this information must be organized into a consistent format and reviewed by persons familiar with the work such as management, workers, etc. Final approval requires a sign-off by the employer that the scenarios are accurate and reflect work the way it should be performed in their workplace.

Assess Workforce to Issue Certificates

The scenarios represent the work employers expect to be performed and the consistent process by which to perform it. Employees who can demonstrate that they can perform the scenario each time they are called upon to do it following the consistent process are eligible to be issued Certificates. The person doing the assessment must be certified as being able to follow the assessment protocol to ensure that each Certificate award has equal value. The person doing the assessment could be employer-based or a third party from outside the company. If teachers are involved, this process can be a win-win for both the employer and the teacher by bringing closer alliances between the school-based training environment and the work performed in the workplace.

Certificates should be issued when the employee has attained the required level of proficiency. The Certificates are then registered with the Indiana Department of Workforce Development for recognition by Governor Frank O'Bannon through official documentation.

Provide Corrective Action to Issue Certificates (training)

The scenarios allow workers to identify skills and knowledge they need to have or in which to attain proficiency before they are eligible for a Certificate of Technical Achievement. If there is a deficiency in skills and/or knowledge, a training intervention may be required to correct the situation.

Corrective action may require a more specific assessment of skills to help identify appropriate training interventions. Some employees may lack some of the essential or basic knowledge, technical, and workplace skills required of employment in general. Other employees may just lack the knowledge, technical and workplace skills required by the employer as defined in the scenario contextual to the employer's workplace.

Current measurements and assessments can be used to identify areas for employee remediation. Some of these include the TABE or other measures of adult basic education, AccuVision, Work Keys, etc. To have maximum value to the employer and employee, the measurement and evaluation process must be contextual to the workplace and must complement the knowledge and skills required of the job and documented in the scenario.

The type of knowledge, technical and workplace skill discrepancy will determine the appropriate type of training intervention. In some cases, employees may need adult basic education or English as a second language (ESL) classes. In other cases, the skill discrepancy can be eliminated through continued on-the-job training. There are also several other options or combination of options that are available.

As an employee works to earn Certificates of Technical Achievement, they will continue through a cycle of measurement, evaluation, and training interventions until it is determined that the discrepancies between their skills and those required of the job have been eliminated and the employer will designate the employee as eligible for a Certificate.

Issuance of a Certificate Based on Job Performance

With the discrepancies eliminated the employee is eligible to be assessed based on job performance and if the person doing the assessment determines that the employee can perform the real-time, real-work scenario on-demand each time they are required to, a Certificate of Technical Achievement will be issued.

The assessment should involve the employee's supervisor or someone else within the organization qualified to recognize the appropriate level of skill attainment according to the employer's job expectations. A scenario assessment will be prepared and a copy signed by the employee, employer, and a third party, if appropriate will be given to the employee. This scenario assessment will be forwarded to the Indiana Department of Workforce Development for official recognition and a Certificate will be issued.

Business Requirement

The result of this process should have positive impact on the Business Requirement. Today's employment arena is changing rapidly as employers attempt to increase their competitive edge by improving their quality, timing and cost. Business Requirements can change due to changes in customer requirements, ISO-type certifications, management changes to the workforce, materials, the environment, machines, or work methods could cause a recycling through the process to ensure that customer needs are met or exceeded. As the Business Requirement changes, a recycling of the process can occur.

Attachment 5

To: All Chief Elected Officials and
WIA Steering Committee Members

From: Craig E. Hartzer, Commissioner

Date: April 23, 1999

Subject: DWD Communications Policy: # 98-57
Establishment of Local Workforce Investment Boards

Re: Workforce Investment Act Funding

Purpose: The purpose of this communication is to provide updated policies and guidelines for local elected officials to use in establishing local Workforce Investment Boards. The policies and guidelines fall into six sections:

Section I	Appointment of Board Members (no change)
Section II	Certification of the Board (revised)
Section III	Creation of a Youth Council (no change)
Section IV	Creation of an Incumbent Worker Council (revised)
Section V	Alternative Entity (no change)
Section VI	Conflict of Interest (revised)

Rescissions: This DWD Communication replaces DWD Communication #98-40 issued on February 19, 1999. This version of the policy modifies Section II on Certification of the Board, Section IV on Creation of an Incumbent Worker Council and Section VI on Conflict of Interest.

The change to Section II is limited to item 4.4.1 and changes the date by which the Incumbent Worker Council must be established from September 30, 1999 to July 1, 1999. The change is required because DWD obtained a planning grant with specific time limits and the local Incumbent Worker Councils need to be in place much sooner so that we can use the planning grant.

The changes to Section IV are to item 3 and item 6. The changes to item 3 entail additional minimum requirements for representation on the Incumbent Worker Council. Item 6 adds a requirement that the local Incumbent Worker plan must be for the Planning Region.

The changes in Section VI are to item 4 regarding filing a statement of economic interest. The change requires the WIB member to include in his/her statement of economic interest any potential conflict of interest related to a spouse or immediate family member. The requirement for the spouse of the WIB member to complete and sign a statement of economic interest has been deleted. Minor revisions to the sample "Statement of Economic Interest" form to reflect the changes to Section VI are also included in this version of the Policy.

Content:

Overview

"The Workforce Investment Act (WIA) of 1998 represents a national consensus on the need to restructure a multitude of workforce development programs into an integrated workforce investment system that can better respond to the employment needs of its customers -- current workers, unemployed workers, workers laid-off due to restructuring or downsizing, and new entrants to the labor force, as well as employers."² At the local level the focal point of the restructuring is the Workforce Investment Board. These local boards will set policy for the local areas. Therefore, the membership of these local boards is critically linked to the ability of the local systems to meet the needs of their customers.

SECTION I : Appointment of Board Members

1.1. General

- 1.1.1. Title I, Section 117 (b)(3) Authority of board members.--Members of the board that represent organizations, agencies, or other entities shall be individuals with optimum policy making authority within the organizations, agencies, or entities.
- 1.1.2. Title I, Section 117 (b)(4) Majority.--A majority of the members of the local board shall be representatives described in paragraph (2)(A)(i). -- *representatives from the business community*.
- 1.1.3. Title I, Section 117 (b)(5) Chairperson.--The local board shall elect a chairperson for the local board from among the representatives described in paragraph (2)(A)(i). -- *representatives from the business community*.
- 1.1.4. If a partner entity does not have a service site in the Workforce Development Area, the local board does not have to include that entity as a partner board member.
- 1.1.5. For partner WIB membership, the board member should be nominated from grant recipients and not sub-recipients, contractors of the grant recipient, service providers or other such entities. This is in keeping with the intent of the Act to have the highest policy level person possible on the WIB.
- 1.1.6. Title I of Section 117 uses the term "including". The term "including" shall be interpreted to mean "for example" or "such as".
- 1.1.7. It is permissible for board members to represent more than one interest group and/or partner as long as appropriate nomination procedures and policies have been met.
- 1.1.8. The CEO may use any entity that meets the definition of 'Alternative Entity' to perform functions of the WIB until the WIB is officially certified.
- 1.1.9. A partner entity that elects not to enter into a Memorandum of Understanding with the WIB or a partner entity that is unable to successfully negotiate a Memorandum of Understanding with the WIB after "good faith" efforts, forfeits its right to be a partner board member pending a fully executed Memorandum of Understanding.

² Excerpt from the U.S. Department of Labor draft Planning Guidance and Instructions for submission of the Strategic Five-Year State Plan for Title I of the Workforce Investment Act of 1998.

1.2. Business

- 1.2.1. Title I, Section 117 (b)(2)(A)(i) -- representatives of business in the local area, who--(I) are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority; (II) represent businesses with employment opportunities that reflect the employment opportunities of the local area; and (III) are appointed from among individuals nominated by local business organizations and business trade associations.
- 1.2.2. Nominations shall be solicited from local business organizations and business trade associations.
- 1.2.3. The business representatives on the Board shall include businesses where the employees are represented by a recognized labor organization. This requirement is a matter of State policy rather than Federal law.
- 1.2.4. The Chief Elected Official (CEO) should consider diverse business representatives from each county in the Workforce Investment Area. Such businesses "...shall... represent businesses with employment opportunities that reflect the employment opportunities of the local area."
- 1.2.5. The CEO may consider whether the businesses being represented pay their workers a 'minimum living wage'. Assistance in determining the definition of 'minimum living wage' for the Workforce Investment Area and for specific employers may provide challenges especially in areas where this has not been addressed or where only specific cities or counties in the area have addressed it. Please note that the December 1998 edition of 'Working Hard, Earning Less -- The Story of Job Growth in INDIANA' may be helpful. It is a publication of the National Priorities Project.

1.3. Education

- 1.3.1. Title I, Section 117 (b)(2)(A)(ii) -- representatives of local educational entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges, where such entities exist), selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities.
- 1.3.2. The board must have a minimum of two educational representatives.
- 1.3.3. The educational requirement may be satisfied by the two educational One-Stop partners, Adult Education and Literacy and Postsecondary Vocational Education. Please note, the nomination requirements for educational representatives as stated in the Workforce Investment Act must be met even if a One-Stop partner is selected as an educational representative.

1.4. Labor

- 1.4.1. Title I, Section 117 (b)(2)(A)(iii) -- representatives of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations, or (for a local area in which no employees are represented by such organizations), other representatives of

employees. *(In Indiana these areas do not exist.)*

- 1.4.2. The representation from Labor shall make up a minimum of 15% of the Workforce Investment Board. This requirement is a matter of State policy rather than Federal law.
- 1.4.3. The Workforce Investment Act uses the wording "nominated by local labor federations". In Indiana these local labor federations shall be referred to as central labor councils.
- 1.4.4. The Chief Elected Officials shall solicit nominations for labor representatives from the central labor councils that have jurisdiction in the area.
- 1.4.5. It is recommended that the Labor appointees have strong ties to the central labor councils.

1.5. Community Based Organizations

- 1.5.1. Title I, Section 117 (b)(2)(A)(iv) -- representatives of community-based organizations (including organizations representing individuals with disabilities and veterans, for a local area in which such organizations are present).
- 1.5.2. Title I, Section 101 (7) defines Community-Based Organizations as follows: "The term 'community-based organization' means a private nonprofit organization that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce investment."
- 1.5.3. The board must have a minimum of two community based organization representatives.
- 1.5.4. CEOs shall solicit nominations from a wide variety of community-based organizations that deal with workforce development or human services with emphasis on those that service targeted populations such as veterans and people with disabilities.
- 1.5.5. It is recommended that the community-based organizations have a strong tie to workforce development.
- 1.5.6. It is recommended that the community-based organizations serve a large portion of the Workforce Investment Area and that they represent the diverse aspects of the population.

1.6. Economic Development

- 1.6.1. Title I, Section 117 (b)(2)(A)(v) -- representatives of economic development agencies, including private sector economic development entities.
- 1.6.2. The board must have a minimum of two economic development representatives.
- 1.6.3. CEOs shall solicit nominations from local economic development entities both public and private. The CEOs are encouraged to use organizations such as Indiana Economic Development Association and the Department of Commerce to identify appropriate economic development entities in their area.

1.7. One-Stop Partners

- 1.7.1. Title I, Section 117 (b)(2)(A)(vi) -- representatives of each of the one-stop partners.
 - 1.7.1.1. Each One-Stop partner may be limited to one representative on the local board.

1.7.2. Department of Workforce Development (One-Stop Partner)

- 1.7.2.1. The Commissioner of the Department of Workforce Development will nominate a candidate to the CEO. Nominations from other entities will not be allowed.

1.7.3. Title V Older Worker (One-Stop Partner)

- 1.7.3.1. The CEO shall solicit nominations from the American Association of Retired Persons (AARP), National Council of Senior Citizens (NCSC), National Urban League (NUL), U.S. Forest Service (USFS), State Unit on Aging (SUA) and Green Thumb (GT) entities as appropriate to the local area to represent the interests of older workers on the local board.
- 1.7.3.2. In selecting board member(s), it is recommended that the Title V representatives have strong ties to workforce development in the local area.

1.7.4. Vocational Rehabilitation (One-Stop Partner)

- 1.7.4.1. The Secretary of Family and Social Services Administration or his/her designee will nominate a candidate to the CEO. Nominations from other entities will not be allowed.

1.7.5. Postsecondary Vocational Education (One-Stop Partner)

- 1.7.5.1. The CEO shall solicit nominations from the all local postsecondary vocational education boards in the area to represent postsecondary vocational education
- 1.7.5.2. This representative may also serve as one of the educational representative if all requirements for the educational representative and Postsecondary Vocational Educational representative are met.

1.7.6. Adult Education and Literacy (One-Stop Partner)

- 1.7.6.1. The representative must be from a comprehensive adult basic education provider.
- 1.7.6.2. The CEO shall solicit nominations from all Adult Education District Coordinating Groups in the area.
- 1.7.6.3. This representative may also serve as one of the educational representative if all requirements for the educational representative and Adult Education and Literacy representative are met.

1.7.7. Housing and Urban Development -HUD (One-Stop Partner)

- 1.7.7.1. The CEO shall solicit nominations from all HUD grantees in the local area that administer employment and training programs or activities.
- 1.7.7.2. In selecting board member(s), it is recommended that the Housing and Urban Development representative have strong ties to workforce development in the local area.

1.7.8. Community Service Block Grants (One-Stop Partner)

- 1.7.8.1. The CEO shall solicit nominations from all Community Service Block Grantees in the area that administer employment and training programs or activities. Community Action Program Agencies that administer employment and training programs/activities would be an example.

1.7.9. WIA Title I - Adult, Youth and Dislocated Worker (One-Stop Partner)

- 1.7.9.1. The CEO shall be the representative for the Title I Adult, Youth and Dislocated Worker Programs or may designate a representative.

1.7.10. WIA Title I - Job Corps (One-Stop Partner)

- 1.7.10.1. The CEO shall solicit nominations from the Job Corps Center in their Workforce Investment Area. On January 1, 1999, Job Corps had two service centers in the state located in the following Indiana cities: Edinburg and Indianapolis.

1.7.11. Welfare-to-Work (One-Stop Partner)

- 1.7.11.1. The local grant recipient for the Welfare-to-Work program will nominate a representative. If the grant recipient is already represented on the local Board, an additional representative will not be necessary.

1.7.12. Migrant and Seasonal Farmworker Programs

- 1.7.12.1. The State Director for Transition Resources Corporation (TRC) will nominate a candidate to the CEO to represent Migrant and Seasonal Farmworker Programs on the local Workforce Investment Board. Nominations from other entities will not be allowed.
- 1.7.12.2. A board member representing Migrant and Seasonal Farmworker Programs will be required when TRC has a service site in the Workforce Investment Area. On January 1, 1999, TRC had service offices in the following Indiana cities: Kokomo, South Bend, Marion, Madison, and Vincennes.

1.7.13. Native American Programs

- 1.7.13.1. The State Executive Director for the Indiana American Indian Manpower Council (IAIMC) will nominate a candidate to the CEO to represent Native American Programs on the local Workforce Investment Board. Nominations from other entities will not be allowed.
- 1.7.13.2. A board member representing Native American Programs will be required when IAIMC has a service site in the Workforce Investment Area. On January 1, 1999, IAIMC had service offices in the following Indiana cities: Fort Wayne, Indianapolis and Peru.

1.7.14. Other One-Stop Partners

- 1.7.14.1. Additional One-Stop partners must also be represented on the local Board if the One-Stop partner and the local Workforce Investment Board have negotiated and signed a Memorandum of Understanding

1.8. Other Board Members

1.8.1. Title I, Section 117 (b)(2) (B) indicates the CEO "may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate."

1.8.1.1. The rationale for how these other board members are appropriate additions to the board must be included in the request for board certification.

SECTION II : Certification of the Board

Legal Reference:

Workforce Investment Act of 1998

TITLE I. SEC. 117 (2) Certification.--(A) In general.--The Governor shall, once every 2 years, certify 1 local board for each local area in the State. (B) Criteria.--Such certification shall be based on criteria established under subsection (b) and, for a second or subsequent certification, the extent to which the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the local performance measures. (C) Failure to achieve certification.--Failure of a local board to achieve certification shall result in reappointment and certification of another local board for the local area pursuant to the process described in paragraph (1) and this paragraph. (3) Decertification.--(A) Fraud, abuse, failure to carry out functions.--Notwithstanding paragraph (2), the Governor may decertify a local board, at any time after providing notice and an opportunity for comment, for--(i) fraud or abuse; or (ii) failure to carry out the functions specified for the local board in any of paragraphs (1) through (7) of subsection (d). (B) Nonperformance.--Notwithstanding paragraph (2), the Governor may decertify a local board if a local area fails to meet the local performance measures for such local area for 2 consecutive program years (in accordance with section 136(h)). (C) Plan.--If the Governor decertifies a local board for a local area under subparagraph (A) or (B), the Governor may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by the Governor, in consultation with the chief elected official in the local area, and in accordance with the criteria established under subsection (b).

Definitions for Chief Elected Officials:

Workforce Investment Act of 1998

TITLE I. SEC. 101, the Act defines a Chief Elected Official as:

"A) the chief elected executive officer of a unit of general local government in a local area; and

B) in a case in which a local area includes more than one unit of general local government, the individuals designated under the agreement described in section 117(c)(1)(B)."

SEC 117(c)(1)(B) says:

"In cases in which a local area includes more than 1 unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials."

A unit of general local government is defined in SEC 101 as:

"...any general purpose political subdivision of a State that has the power to levy taxes and spend funds, as well as general corporate and police powers."

For Workforce Investment Act purposes, DWD will further defined the CEO as:

- a). One County Commissioner (chosen by the Board of County Commissioners) from each county within the affected service delivery area and
- b). the mayor from any city of the 2nd or 3rd class within the service delivery area with a population of more than 5,000.

Policy for the Certification of the Local Workforce Investment Board:

1. The Governor shall certify the Workforce Investment Board if the Governor determines that its composition and appointments are consistent with law and State policy. Such certification will be for a period not to exceed two years.
2. It is the intent of the Workforce Investment Act and State policies that the Workforce Investment Boards have staff independent from service provider and service management staff. However, recognizing the limitations of administrative funding, until further notice, the test of independence may be met by the One-Stop Operator being either independent (competitively procured) or a coalition of three or more partners.
3. The Governor shall re-certify the Workforce Investment Board every two years if the Governor determines that its composition and appointments are consistent with law and State policy and if the governor determines that the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the local performance measures.
4. Each local Workforce Investment Board shall submit a written request for certification to the Department of Workforce Development thirty (30) calendar days before the beginning date for which certification is being requested. Such request must include the following information.
 - 4.1. Membership Information:
 - 4.1.1. Name of Workforce Investment Board member, title, business address, and phone number.
 - 4.1.2. A brief description of the Workforce Investment Board member's functional employment responsibilities and the qualifications of the Workforce Investment Board member.
 - 4.1.3. A statement indicating that the WIB has a signed and dated Statement of

Economic Interests for each Workforce Investment Board member on file.

- 4.1.4. Agency and/or sector affiliation (business, education, labor, community based organization, economic development and/or One-Stop partner). Note: It is possible for one individual to represent multiple sectors/partners.
- 4.1.5. The Workforce Investment Board member's term of appointment (including beginning and ending dates).
- 4.1.6. If the member is a Workforce Investment Board officer, indicate the position held.

4.2. Workforce Investment Board Nomination Process:

- 4.2.1. The Local Elected Official shall develop a process for soliciting WIB nominations and for selecting WIB members. The Local Elected Official (or WIB) shall keep on file a record of the processes followed for soliciting nominations and the names of all candidates nominated including their qualifications. Each Workforce Investment Board shall submit with their request for certification, a statement indicating that a documented process was adopted and that records on the nomination/selection process are on file.

4.3. Youth Council:

- 4.3.1. Each Workforce Investment Board shall have a Youth Council established in compliance with the provisions of this policy. A statement confirming that a Youth Council will be established in compliance with the Workforce Investment Act and State policy must be included with the request for board certification and acknowledge that certification will be terminated if the council is not established by September 30, 1999.

4.4. Incumbent Worker Council

- 4.4.1. Each Workforce Investment Board shall have an Incumbent Worker Council established in compliance with the provisions of this policy. A statement confirming that an Incumbent Worker Council will be established in compliance with the Workforce Investment Act and State policy must be included with the request for board certification and acknowledge that certification will be terminated if the council is not established by July 1, 1999.

4.5. Chief Elected Official Agreement:

- 4.5.1. A fully executed copy of the CEO Agreement pursuant to 117 (c)(1)(B) must be included with the request for certification. This agreement should describe how the CEOs of units of local government in an area shall carry out their respective roles.
- 4.5.2. The CEO Board Agreement at a minimum must include:
 - 4.5.2.1. Procedures for the selection of the One-Stop Operator in cooperation with the WIB.
 - 4.5.2.2. The One-Stop Operator name(s), business address(es) and telephone number(s).
 - 4.5.2.3. The specific responsibilities of the Chief Elected Officials, which shall

include the roles of the individual officials, in the appointment of the members of the local board and in carrying out any other responsibilities assigned the Chief Elected Official under Title I Section 117 of the Workforce Investment Act.

- 4.5.2.4. The specific responsibilities of the Workforce Investment Board.
- 4.5.2.5. Acknowledgment of financial responsibility by the Chief Elected Official including distribution of potential financial liability among the Chief Elected Officials.
- 4.5.2.6. The joint Chief Elected Official responsibilities in conducting oversight in the Workforce Investment area in cooperation with the WIB for
 - 4.5.2.6.1. Youth activities (*WIA, Section 129*).
 - 4.5.2.6.2. Incumbent Worker activities.
 - 4.5.2.6.3. Employment and Training activities (*WIA, Section 134*).
 - 4.5.2.6.4. One-Stop delivery system.
- 4.5.2.7. The specific time period for the CEO Agreement.

4.6. Workforce Investment Board Bylaws.

- 4.6.1. Each Workforce Investment Board must adopt bylaws for its governance. A statement indicating that such bylaws have been adopted and that the WIB has a copy of such bylaws on file must be submitted with the request for certification.
- 4.6.2. The bylaws must include a 'Conflict of Interest' clause that is in compliance with this policy.
- 4.6.3. The bylaws must establish quorum guidelines for the WIB and all permanent councils.

4.7. Independent Workforce Investment Board.

- 4.7.1. Each Workforce Investment Board shall include a statement in its application that clearly indicates the option they have selected for meeting the independent staff requirement. (*See Policy for Certification of the Local Workforce Investment Board, Item 2.*)

5. Membership Vacancies:

- 5.1.1. All section membership vacancies must be filled within 90 calendar days.
- 5.1.2. All One-Stop partnership vacancies must be filled within 60 calendar days.
- 5.1.3. Upon a showing of good cause, written requests for extensions will be considered.
- 5.1.4. All vacancies must be reported to the Department of Workforce Development within 15 calendar days of the vacancy and information on the new appointee must be submitted as outlined in 4.1 through 4.2 above.

SECTION III : Creation of a Youth Council

Legal Reference:

Workforce Investment Act of 1998

TITLE I. SEC. 117 (h) Youth Council.--Establishment.--There shall be established, as a subgroup within each local board, a youth council appointed by the local board, in cooperation with the chief elected official for the local area. Membership.--The membership of each youth council--shall include--members of the local board described in subparagraph (A) or (B) of subsection (b)(2) with special interest or expertise in youth policy;(ii) representatives of youth service agencies, including juvenile justice and local law enforcement agencies;(iii) representatives of local public housing authorities;(iv) parents of eligible youth seeking assistance under this subtitle;(v) individuals, including former participants, and representatives of organizations, that have experience relating to youth activities; and(vi) representatives of the Job Corps, as appropriate; and may include such other individuals as the chairperson of the local board, in cooperation with the chief elected official, determines to be appropriate. Relationship to local board.--Members of the youth council who are not members of the local board described in subparagraphs and (B) of subsection (b)(2) shall be voting members of the youth council and nonvoting members of the board. Duties.--The duties of the youth council include--developing the portions of the local plan relating to eligible youth, as determined by the chairperson of the local board; subject to the approval of the local board and consistent with section 123--recommending eligible providers of youth activities, to be awarded grants or contracts on a competitive basis by the local board to carry out the youth activities; and conducting oversight with respect to the eligible providers of youth activities, in the local area; coordinating youth activities authorized under section 129 in the local area; and other duties determined to be appropriate by the chairperson of the local board.

Policy for Establishing Local Youth Councils:

1. Each local Workforce Investment Board in cooperation with the Chief Elected Official shall establish a Youth Council, which will be a subgroup of the Workforce Investment Board.
2. The Youth Council shall include
 - 2.1. Local board members with special interest or expertise in youth policies.
 - 2.2. Representatives of youth service agencies, including
 - 2.2.1. Juvenile justice, and
 - 2.2.2. Local law enforcement agencies.
 - 2.3. Representatives from local public housing authorities.
 - 2.4. Parents of eligible youth seeking assistance under this subtitle.
 - 2.5. Individuals including former participants and representatives of organizations of organizations that have experience related to youth activities.
 - 2.6. Representatives of the Job Corps (when appropriate).

- 2.7. Other such individuals as the Workforce Investment Board Chair and Chief Elected Official determine to be appropriate.
3. The Chair for the Youth Council shall be a voting member of the WIB.
4. Youth Council members who are not Workforce Investment Board members will be nonvoting members of the Workforce Investment Board.
5. Duties of the Youth Council include:
 - 5.1. Developing the portion of the local plan that relates to eligible youth.
 - 5.2. Recommending eligible providers of youth activities.
 - 5.3. Conducting oversight with respect to eligible providers of youth activities.
 - 5.4. Coordinating youth activities under section 129.
 - 5.5. Other duties as determined to be appropriate by the chair of the local board.
 - 5.6. It is also strongly recommended that the Youth Council establish processes to obtain input from youth in the area.
6. Each Workforce Investment Board shall appoint a Youth Council on or before September 30, 1999.
7. Use of an Existing Entity
 - 7.1. The Youth Council may be established by grandfathering in an existing entity, such as the School to Work Partnership, or a Youth Council may also be formed from individuals who serve on a variety of existing youth councils.
 - 7.2. If the Youth Council is formed by the grandfathering of an existing entity, that entity must meet all membership requirements of the Workforce Investment Act and State policies or new members may be added to an entity to bring it into compliance.
8. Submission of Youth Council Information
 - 8.1. The WIB shall submit a list of Youth Council members and their sector affiliation to DWD by September 30, 1999. DWD will confirm the list within 30 days.

SECTION IV : Creation of an Incumbent Worker Council

Legal Reference:

None -- Department of Workforce Development Policy

Policy for Establishing Local Incumbent Worker Councils:

1. Each local Workforce Investment Board in cooperation with the Chief Elected Official shall establish an Incumbent Worker Council, which will be an advisory group to the Workforce Investment Board.
2. The Local Workforce Investment Board in cooperation with the Chief Elected Official shall appoint the Incumbent Worker Council members.
3. The Incumbent Worker Council

- 3.1. shall include local board members with special interest or expertise in incumbent worker policies.
- 3.2. shall include representatives from labor
 - 3.2.1. A minimum of 33% of the council must be comprised of representatives of labor.
- 3.3. shall include at least one representative from the Department of Workforce Development
 - 3.3.1. At least one of these representatives shall be the Program Development Specialist for the Planning Area.
- 3.4. shall include at least one representative from the Department of Commerce
 - 3.4.1. At least one of these representative shall be the Business Development Specialist for the local area.
- 3.5. shall include a representative(s) from economic development entities
- 3.6. shall include representatives from businesses
 - 3.6.1. A minimum of 33% of the council must be comprised of representatives from business.
 - 3.6.2. Business representatives on the council shall include representatives from businesses where the employees are represented by a recognized labor organization.
- 3.7. Other such individuals as the Workforce Investment Board Chair and Chief Elected Official determine to be appropriate.
4. The Chair for the Incumbent Worker Council shall be a voting member of the WIB.
5. Incumbent Worker Council members who are not already Workforce Investment Board members will be nonvoting members of the Workforce Investment Board.
6. The primary duty of the Incumbent Worker Council is to develop and recommend a plan to the Local Workforce Investment Board for the development of the incumbent workforce of the Workforce Investment Area.
 - 6.1. The Incumbent Worker plan adopted by the Local Workforce Investment Board will be incorporated into the local Workforce Investment Plan.
7. The Incumbent Worker Council will be appointed on or before July 1, 1999.
8. Submission of Incumbent Worker Council Information
 - 8.1. The WIB shall submit a list of Incumbent Worker Council members and their sector affiliation to DWD by July 1, 1999. DWD will confirm the list within 30 days.

SECTION V : Alternative Entity

Title I, Section 117(I) -- Alternative Entity.--In general.--For purposes of complying with subsections (a), (b), and (c), and paragraphs (1) and (2) of subsection (h) of the Act, a State may use any local entity (including a local council, regional workforce development board, or

similar entity) that--is established to serve the local area (or the service delivery area that most closely corresponds to the local area); is in existence on December 31, 1997; (C)(i) is established pursuant to section 102 of the Job Training Partnership Act, as in effect on December 31, 1997; or is substantially similar to the local board described in subsections (a), (b), and (c), and paragraphs (1) and (2) of subsection (h); and includes--representatives of business in the local area; and (ii)(I) representatives of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations; or (II) (for a local area in which no employees are represented by such organizations), other representatives of employees in the local area.

The CEO may select to use an alternate entity and does not need to re-nominate existing members nor does the CEO have to have these existing members resign Conflict of Interest statements. However, new members must be added to meet the requirements of the Workforce Investment Act and State policy. All new members will need to be nominated in compliance with law and policy and will need to sign Conflict of Interest statements. All the Workforce Investment Board appointments must be made no later than June 1, 1999 to provide sufficient time for the Board to be certified prior to July 1, 1999. The alternative entity may function as the WIB until such time as the full WIB is certified.

SECTION VI : Conflict of Interest

Legal Reference:

Workforce Investment Act of 1998

TITLE I. SEC. 117. (g) Conflict of Interest. --A member of a local board may not--vote on a matter under consideration by the local board--regarding the provision of services by such member (or by an entity that such member represents); or that would provide direct financial benefit to such member or the immediate family of such member; or engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.

Conflict of Interest Policy

1. Every Workforce Investment Board shall adopt in its bylaws conflict of interest standards meeting the minimum standards set forth in this policy. These conflict of interest standards shall apply to all board members (voting and non-voting).
2. A Workforce Investment Board member with a conflict of interest regarding any matter is prohibited from discussion and voting in connection with that matter.
3. Any Workforce Investment Board member (or specific entity represented by that member) who significantly participates in the development of contract specifications or standards is prohibited from receiving any direct financial benefit from any resulting contract.
 - 3.1. Any Workforce Investment Board member who significantly participates in a board discussion or decision relating to specific terms of a contract, the determination of specific standards for performance or a contract, the development of Invitations for Bid (IFB) or Requests for Proposals (RFP) or other such bid processes leading to a

contract, or any similar discussions or decisions is prohibited from receiving any direct financial benefit from any resulting contract. In addition, no corporation, partnership, firm, association, or other entity shall receive the contract if it would create a conflict of interest for the Workforce Investment Board member who significantly participated in the manner described above.

- 3.2. Any Workforce Investment Board member, including One-Stop partner, who significantly participates in the development of contract specifications, is prohibited from bidding on those contracts or supervising staff who are paid from funding awarded under such contracts.
4. Each Workforce Investment Board member shall file a statement of economic interest (*sample statement attached*) with the Workforce Investment Board at the time they become a board member and every year thereafter. Such statements must include, at a minimum, the member's
 - 4.1. current position(s) of employment,
 - 4.2. current position(s) as a paid director, officer, or agent of a corporation or similar entity,
 - 4.3. financial interests that are defined in the bylaws as potential sources of conflict of interest, and
 - 4.4. similar information concerning the WIB member's spouse and immediate family members if the economic interests of such spouse and/or immediate family could present a potential conflict of interest issue.
5. Any Workforce Investment Board member with a potential or actual conflict of interest must disclose that fact to the Workforce Investment Board as soon as the potential conflict is discovered and, to the extent possible, before the agenda for a meeting involving the matter at issue is prepared. If it should be determined during a meeting that a conflict of interest exists, the member must verbally declare such conflict of interest, such declaration must be clearly noted in the minutes, and such member must excuse him/herself from the remainder of the discussion and the voting. (*A sample conflict of interest disclosure letter is attached.*)
 - 5.1. Each board member is responsible for determining whether any potential or actual conflict of interest exists or arise during his/her service on the board. Board members are also responsible for reporting such potential or actual conflict of interest as soon as it is discovered that such a condition exists.
6. If a contract or purchase is made by the Workforce Investment Board involving its own member with a conflict of interest, the Workforce Investment Board shall justify the terms and conditions of the contract or purchase.
 - 6.1. When a contract or purchase is made by the board involving its own member or an entity with which the board member is associated, the board must establish and document to the reasonable satisfaction of the Department of Workforce Development that the contract or purchase was adequately bid or negotiated and that the terms of the contract or price of the purchase are fair and reasonable to the Workforce Investment Board.

7. The Workforce Investment Board shall adopt procedures that serve to minimize the appearance of conflicts of interest.
 - 7.1. Workforce Investment Board members who are also One-Stop partners should not serve on any committees that deal with oversight of the One-Stop system or allocation of resources that would potentially be allocated to that member's program.
8. The Department of Workforce Development will provide technical assistance to coordinate compliance with the conflict of interest standards and assist in answering questions and avoiding potential problems.
 - 8.1. The Department of Workforce Development staff will provide technical assistance upon request from local boards concerning the conflict of interest standards. The Department's intent is to assist the board to avoid compliance violations or the appearance of violations.

Effective Date: Immediately

Ending Date: June 30, 2004

Action: Please review this policy for establishing local Workforce Investment Boards. Chief Elected Officials and WIA Steering Committee members should insure that all appropriate people in their respective areas have copies of this policy and use the guidance provided in the policy for the establishment of their local Workforce Investment Boards.

SAMPLE
STATEMENT OF ECONOMIC INTERESTS

I. I currently hold (or held in the last twelve months) the following position of employment:

1. _____
2. _____
3. _____

II. I currently serve (or served in the last twelve months) as a member, director, officer or agent.

III. I have (or had in the last 12 months) a “financial interest” in the following corporations, partnerships, firms, associations, or other entities, as that term is defined in the bylaws of the _____ Workforce Investment Board:

1. _____
2. _____
3. _____

IV. For each entity listed in response to item I, II, III above, the following describes any benefits or services that such entity has provided to the Workforce Investment Board for any of its programs for a fee or any benefits or services that the board has provided to such entity for a fee, within the last five (5) program years:

1. _____
2. _____
3. _____

V. My spouse/immediate family member, _____, currently holds (or held in the last twelve months) the following position of employment which might present a conflict of interest for me as a WIB member:

VI. My spouse/immediate family member, _____, currently serves (or served in the last twelve months) as a member, director, officer or agent of or for the

following corporations, partnerships, firms, associations, or other entities, for which compensation other than per diem and expenses is paid that might present a conflict of interest for me as a WIB member:

1. _____
2. _____
3. _____

VII. My spouse/immediate family member, _____, has (or had in the last twelve months) a “financial interest” in the following corporations, partnerships, firms, associations, or other entities, as that term is defined in the bylaws of the _____ Workforce Investment Board that might present a conflict of interest for me as a WIB member:

1. _____
2. _____
3. _____

VIII. For each entity listed in response to item I, II, III above, the following describes any benefits or services that such entity has provided to the Workforce Investment Board for any of its programs for a fee or any benefits or services that the board has provided to such entity for a fee, within the last five (5) program years:

1. _____
2. _____
3. _____

These statements are true and complete to the best of my knowledge.

Date: _____ Signed: _____

Title: _____

(WIB Name) Workforce Investment Board Member

Attachment 2:

SAMPLE

DISCLOSURE LETTER OF (POTENTIAL) CONFLICT OF INTEREST

_____ Workforce Investment Board

P.O. Box _____

_____, Indiana

Dear Workforce Investment Board Chair:

This letter serves to notify you of a (potential) conflict of interest that I have with regard to a matter that will or may come before the council for consideration.

The matter at issue is ... *(Briefly describe the potential conflict in detail making sure to fully describe the (potential) conflict.*

This information is provide in order to inform you of a (potential) conflict of interest, as is required by the bylaws of the Workforce Investment Board. I will keep all persons informed as to any changes in circumstances by written notification. I will comply with all applicable by laws and other requirements of this Workforce Investment Board and all applicable laws with regard to this situation.

Please contact me at your earliest convenience in order to discuss this situation.

Sincerely,

(Signature)

Board Member

Cc: Board Members

Attachment 6

TO: Administrative Entities
Grant Recipients

FROM: Craig E. Hartzer
Commissioner

DATE: April 16, 1999

SUBJ: DWD Communication 98:50, Change 1
Program Year 1999 Job Training Partnership Act and
Workforce Investment Act Allocation Policy

RE: Job Training Partnership Act

Purpose

To announce revised PY'99 Title III allocations which reflect the amount of Title III funding reallotted to the Department of Workforce Development (DWD). The amount of funding reallotted to DWD is \$14,107.

Rescission

N/A.

Content

Section 303 of the Job Training Partnership Act (JTPA), as amended by the Economic Dislocation and Worker Adjustment Assistance Act (EDWAA), requires the Department of Labor (DOL) to annually recapture and reallocate certain unexpended funds. Reallotment is accomplished through an upward or downward revision of each State's Title III allotment for the current program year.

Funds subject to recapture and reallocation by DOL were identified based on expenditure reports (Worker Adjustment Formula Financial Report - WFFR), submitted by the States. Indiana's Title III allotment was adjusted upward by \$14,107 - from \$9,999,244 to \$10,013,351. A revised Chart C is attached.

Please include the revised allocation in the Workforce Investment Act (WIA) grant due April 16, 1999. If not, because the allocations changed very little, include the revision with the next WIA grant modification due to DWD.

Questions concerning the grant modification package may be addressed to Virginia Harrold, Grant/Contract Support, at 317/232-7373. Questions concerning this policy may be addressed to Jennifer Biddle, Planning Analyst, at 317/232-7459.

Effective Date

July 1, 1999

DWD Communication
April 16, 1999
Page two

Ending Date

June 30, 2000

Action

Local administrators are requested to share the information provided in this policy with appropriate staff.

Attachment - Revised Title III Allocations
CEH:JMB/99alloc1.wp5

Chart A

**Job Training Partnership Act
PY '99 Title IIA Adult
Allocation**

	Job Training Partnership Act PY '99 Title IIA Adult Allocation	% of Total	Change in Funding
Lake County	\$1,539,883	16.96%	\$10,380
Kankakee Valley	382,590	4.21%	(\$53,149)
Northern Indiana	596,162	6.57%	(\$134,491)
Northeast Indiana	512,381	5.64%	(\$96,507)
Tecumseh	213,249	2.35%	(\$99,750)
North Central	316,325	3.48%	(\$62,249)
Madison-Grant	377,532	4.16%	(\$73,091)
East Central	610,892	6.73%	\$114,039
Western Indiana	517,725	5.70%	(\$43,268)
Circle Seven	197,641	2.18%	(\$35,854)
Marion County	1,642,254	18.09%	(\$125,871)
Southeastern Indiana	490,057	5.40%	(\$93,706)
Shawnee Trace	532,018	5.86%	(\$112,590)
South Central	214,511	2.36%	(\$38,942)
Southwest Indiana	542,757	5.98%	(\$100,231)
Hoosier Falls	392,800	4.33%	(\$63,474)
State	\$9,078,777	100%	(\$1,008,754)

Based on 77% of \$11,790,620 (State allotment for Title IIA.) Calculation performed using three-part formula mandated in Section 202(b) of JTPA as amended by Title VII of the JTPA Amendments of 1992, including hold harmless provision.

Allocation available for obligation July 1, 1999.

**Workforce Investment Act
PY '99 Adult
Allocation**

	JTPA Title II Adult Allocation	Dif Between JTPA - WIA Distribution	Total	Percentage of Total	Difference from PY '98
Lake County	\$1,539,883	\$175,288	\$1,715,171	17.11%	\$185,668
Kankakee Val	382,590	37,103	419,693	4.19%	(16,046)
Northern Ind	596,162	67,862	664,024	6.63%	(66,628)
Northeast Ind	512,381	54,636	567,017	5.66%	(41,871)
Tecumseh	213,249	21,830	235,079	2.35%	(77,921)
North Central	316,325	23,207	339,532	3.39%	(39,042)
Madison-Grant	377,532	37,546	415,078	4.14%	(35,545)
East Central	610,892	69,539	680,431	6.79%	183,578
Western Ind	517,725	58,934	576,659	5.75%	15,667
Circle Seven	197,641	14,730	212,371	2.12%	(21,125)
Marion County	1,642,254	186,941	1,829,195	18.25%	61,070
Southeastern	490,057	22,839	512,896	5.12%	(70,867)
Shawnee Trace	532,018	59,848	591,866	5.91%	(52,742)
South Central	214,511	14,368	228,879	2.28%	(24,574)
Southwest	542,757	61,783	604,540	6.03%	(38,448)
Hoosier Falls	392,800	36,796	429,596	4.29%	(26,678)
State	\$9,078,777	\$943,250	\$10,022,027	100%	\$(65,406)

Available for obligation July 2, 1999.

**REVISED
Workforce Investment Act
PY '99 Dislocated Worker
Allocation**

	REVISED Workforce Investment Act PY '99 Dislocated Worker Allocation	% of Total	Change in Funding From Original Allocation
Lake County	\$583,737	9.71%	\$1,369
Kankakee Valley	303,382	5.04%	711
Northern Indiana	461,916	7.68%	1084
Northeast Indiana	653,143	10.86%	1533
Tecumseh	260,061	4.32%	610
North Central	251,718	4.19%	590
Madison-Grant	281,387	4.68%	660
East Central	401,094	6.67%	941
Western Indiana	232,680	3.87%	545
Circle Seven	281,870	4.69%	661
Marion County	845,140	14.05%	1,983
Southeastern Indiana	290,437	4.83%	681
Shawnee Trace	306,387	5.09%	719
South Central	317,517	5.28%	745
Southwest Indiana	318,396	5.29%	748
Hoosier Falls	224,788	3.74%	527
State	\$6,013,653	100.00%	\$14,107

Available for obligation July 1, 1999.

Chart D

**Job Training Partnership Act
PY '99 Title IIB Summer Youth
Allocation**

	Job Training Partnership Act PY '99 Title IIB Summer Allocation	% of Total	Change in Funding
Lake County	\$1,794,805	16.88%	\$8,982
Kankakee Valley	442,851	4.17%	(\$60,977)
Northern Indiana	687,222	6.46%	(\$158,084)
Northeast Indiana	669,101	6.29%	(\$111,311)
Tecumseh	256,029	2.41%	(\$114,156)
North Central	368,803	3.47%	(\$76,951)
Madison-Grant	449,803	4.23%	(\$83,727)
East Central	728,402	6.85%	\$130,511
Western Indiana	612,724	5.76%	(\$52,974)
Circle Seven	237,293	2.23%	(\$43,553)
Marion County	1,912,175	17.99%	(\$150,841)
Southeastern Indiana	561,719	5.28%	(\$106,240)
Shawnee Trace	598,731	5.63%	(\$129,202)
South Central	248,272	2.34%	(\$42,361)
Southwest Indiana	613,349	5.77%	(\$116,355)
Hoosier Falls	449,289	4.23%	(\$73,935)
State	\$10,630,568	100%	(\$1,181,174)

Calculation performed using three-part formula mandated in Section 252(b) of JTPA, as amended by title VII of the JTPA Amendments of 1992, including hold harmless provision.

Allocation available for obligation beginning April 1, 1999.

Chart E

**Job Training Partnership Act
PY '99 Title IIC Youth
Allocation**

	Job Training Partnership Act PY '99 Title IIC Youth Allocation	% of Total	Change in Funding
Lake County	\$219,823	16.61%	\$232
Kankakee Valley	57,267	4.33%	(\$5,649)
Northern Indiana	84,170	6.36%	(\$19,205)
Northeast Indiana	86,543	6.54%	(\$14,465)
Tecumseh	30,065	2.27%	(\$15,206)
North Central	50,442	3.81%	(\$11,651)
Madison-Grant	56,485	4.275%	(\$10,771)
East Central	89,213	6.74%	\$14,724
Western Indiana	75,045	5.67%	(\$6,365)
Circle Seven	30,366	2.29%	(\$5,642)
Marion County	234,200	17.70%	(\$18,093)
Southeastern Indiana	69,755	5.27%	(\$14,028)
Shawnee Trace	76,608	5.79%	(\$12,413)
South Central	29,086	2.20%	(\$5,426)
Southwest Indiana	75,122	5.68%	(\$14,116)
Hoosier Falls	59,162	4.47%	(\$8,964)
State	\$1,323,352	100%	(\$147,038)

Based on 82% of \$1,613,843 (State allotment for Title IIC.) Calculation performed using three-part formula mandated in Section 262(b) of JTPA, as amended by Title VII of the JTPA Amendments of 1992, including hold harmless provision.

Allocations available for obligation beginning April 1, 1999.

Attachment 7

Key to Funding Sources:

ABE:	Adult Basic Education
CC:	Consumer Credit
CPP:	Carl Perkins Postsecondary Program
CSB:	Community Services Block Grant
EA:	Energy Assistance
FWH:	Federal Wage and Hour
HUD:	Housing and Urban Development
IM:	IMPACT (TANF and Food Stamp Employment and Training Programs)
JC:	Job Corps*
	Note: *Job Corps only has service centers in Indianapolis and Edinburg
MS:	Migrant and Seasonal Farmworker*
	Note: *MSFW service sites are only in Kokomo, South Bend, Marion, Madison, and Vincennes
NA:	Native American*
	Note: *Native American service sites are only in Ft. Wayne, Indianapolis, and Peru
STW:	School to Work
TAA:	Trade Adjustment Assistance
TANF/FS:	Temporary Assistance for Needy Families/Food Stamps
T-V:	Title V of the Older Americans Act
UI:	Unemployment Insurance
Vet:	Local Veterans Employment Representative/Disabled Veterans Outreach
VWI:	Veterans Workforce Investment Program (Section 168)*
	Note: *There are no VWI programs funded in Indiana
WE:	Weatherization
WIA:	Workforce Investment Act youth, adult, and dislocated worker
WP:	Wagner-Peyser
WtW:	Welfare to Work
VR:	Vocational Rehabilitation
1 st :	21 st Century Scholars Programs

Key to Access Codes:

A: At least one full time staff paid from that funding source.

B: At least one itinerant or part time staff paid from that funding source.

C: FAX/Phone access.

D: There are no staff present from that funding source, but employment and training staff perform preliminary paperwork or intake.

E: There are no staff present from that funding source, but information about the locations and services of that funding source are easily available to all populations who visit the site.

NOTE: ONE-STOP CENTERS ARE SHOWN IN BOLD

County	City	ABE	CPP	CSB	HUD	JC	MS	NA	TAA	T-V	UI	VET	WIA/ JTPA	WtW	VR	WP	Other
Northwest																	
Lake	Gary	A	B	E	B	B	E	E	A	A	A	A	A	A	E	A	St. Jude House: A, Talent Search: A
Lake	Hammond	A	B	D	D	E	E	E	A	E	A	A	A	D	E	A	
Lake	Crown Point	B	B	E	E	E	E	E	E	E	E	B	A	E	E	E	
Lake	East Chicago	A	B	D	C	D	E	E	A	A	D	B	A	E	E	E	TANF/FS: A
Kankakee																	
LaPorte	LaPorte	A	B	E*	B	E	E**	E	A	E**	A	A	A	A	E*	A	CC:A, IM:BB
LaPorte	Michigan City	B	B	E	E	E	E**	E	E	B	C	B	A	A	B	B	CC:E, IM:B
Porter	Valparaiso	E**	B	E	E	E	E	E	E	E	E	E	A	A	E**	E	CC:E, IM:A
Porter	Portage	E**	B	E	E	E	E**	E	B	E*	B	A	A	A	E*	A	CC:A, IM:A
Starke	Knox	B	B	E	E	E**	E	E	E	E**	E	E	A	A	E	E	CC:E, IM:A
Pulaski	Winamac	E	B	E	E	E	E	E	E	E**	E	E	A	B	E	E	ACC:E, IM:E
Jasper	Rensselaer	E	B	E	E	E	E	E	E	E**	E	E	A	A	E	B	CC:B, IM:B
Newton	Morocco	E**	B	E	E	E	E	E	E	E**	E	E	A	A	E	E	CC:E, IM:B
		* Currently negotiating for at least a part time presence.															
		** Regular contact maintained.															
Northern Indiana																	
Elkhart	Elkhart 1	E	E			E	E		A	E	A	A	A	A	E	A	IM:E, STW:E, 21 ST :A; TANF/FS:E
Kosciusko	Warsaw																
Marshall	Plymouth	E	E			E	E		BC	E	BC	BC	A	A	E	BC	IM:A, STW:E, 21 ST :A;

[illegible]

Madison-Grant																	
Madison	Anderson	E	E	A	E	E	E	E	A	B	A	A	A	A	A	A	WE: A, EA:A, IM:A, TANF/FS:A

County	City	ABE	CPP	CSB	HUD	JC	MS	NA	TAA	T-V	UI	VET	WIA/ JTPA	WtW	VR	WP	Other
Grant	Marion	E	E	E	E	B	A	E	A	B	A	A	A	A	B	A	FWH:A
East Central																	
Blackford	Hartford City	B	E	D	E	E	E	E	E	B	E	E	A	D	E	E	STW: B
Delaware	Muncie	A	E	A	E	E	E	E	A	B	A	A	A	B	A	A	STW: B
Henry	New Castle	D	E	E	E	E	E	E	D	B	B	A	A	B	B	A	STW: B
Jay	Portland	B	E	D	E	E	E	E	D	B	B	B	A	B	B	B	STW: B
Randolph	Winchester	A	E	D	E	E	E	E	D	B	E	B	A	B	B	B	STW: B
Circle Seven																	
Boone	Lebanon	E	E	E	E	E	E	E	E	B	E	E	B	B	B	E	
Hamilton	Noblesville	E	E	E	E	E	E	E	A	B	C	B	A	B	B	A	
Hancock	Greenfield	E	E	E	E	E	E	E	E	B	E	R	B	B	B	E	
Hendricks	Avon	E	E	E	E	E	E	E	E	B	E	R	B	B	B	E	
Johnson	Franklin	E	E	E	E	E	E	E	A	B	E	B	A	B	B	A	
Morgan	Martinsville	E	E	E	E	E	E	E	A	B	C	A	A	B	B	A	
Shelby	Shelbyville	E	E	E	E	B	E	E	A	B	A	A	A	B	B	A	
Marion County																	
Marion	Indianapolis 1																
Marion	Indianapolis 2																
Marion	Indianapolis 3																
Marion	Indianapolis 4																
Marion	Indianapolis 5																
Marion	Indianapolis 6																
South Central																	
Bartholomew	Columbus	E	E	E	E	E	D	E	A	B	A	A	A	A	A	A	
Brown	Nashville	E	E	E	E	E	E	E	B	E	E	B	B	B	B	B	
Jackson	Seymour	E	E	E	E	E	E	E	B	A	E	B	A	A	A	B	
Jennings	North Vernon	E	E	E	E	E	E	E	B	E	E	B	A	A	B	B	
Monroe	Bloomington	E	E	E	E	B	D	E	A	A	A	A	A	A	E	A	
Owens	Spencer	E	E	E	E	E	E	E	B	E	E	B	A	A	B	A	
Western																	
Vigo	Tere Haute	E	E	A	E	E	E	E	A	A	A	A	A	B	A	A	IM: A
Vermillion	Clinton	E	E	B	E	E	E	E	E	B	E	B	A	B	B	E	IM: B
Clay	Brazil	E	E	B	E	E	E	E	E	A	E	B	A	B	B	E	IM: A
Parke	Rockville	E	E	B	E	E	E	E	E	B	E	B	A	B	B	E	IM: A
Putnam	Greencastle	E	E	B	E	E	E	E	E	B	E	B	A	B	B	E	IM: A

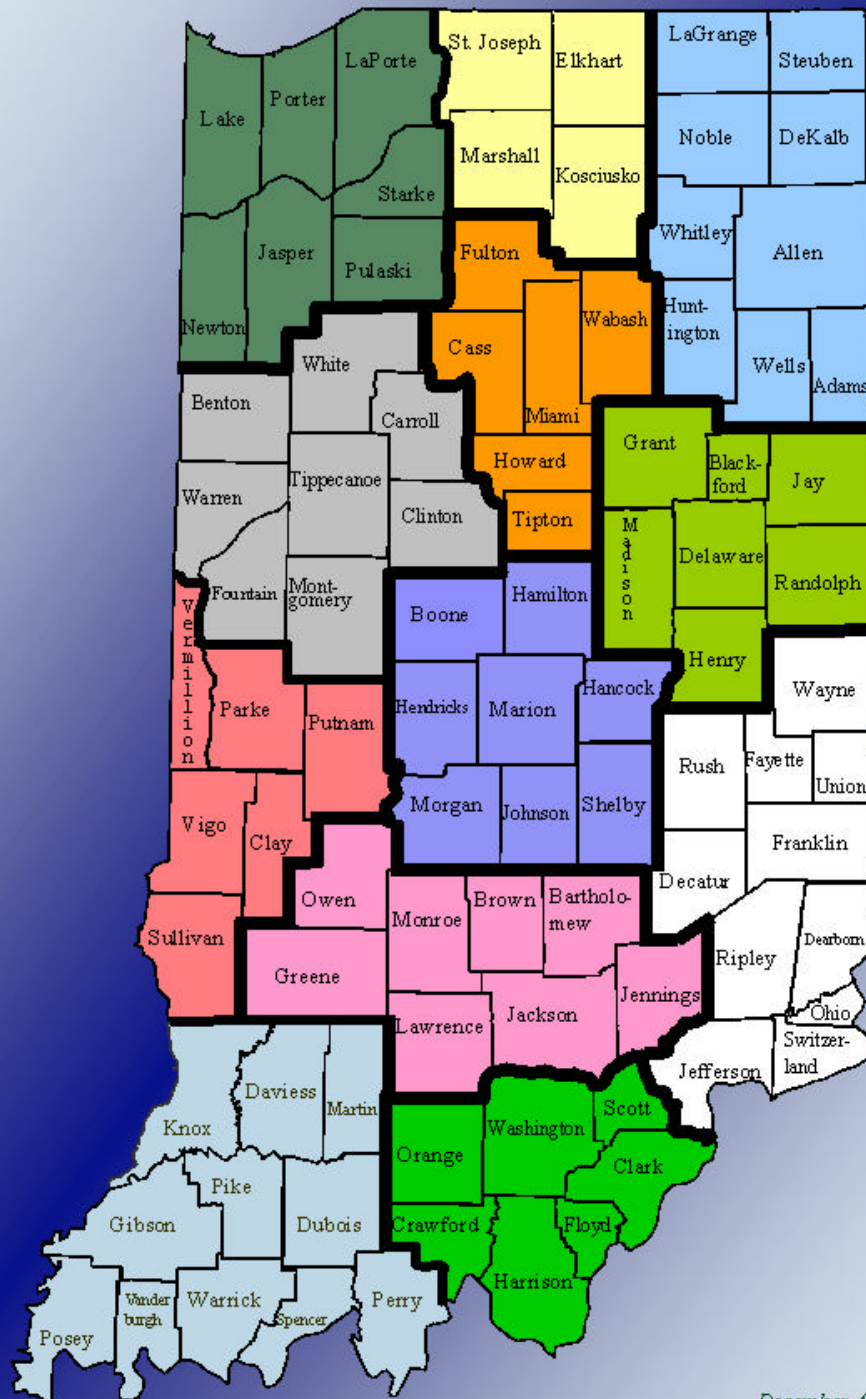
Shawnee Tr																	
Daviess	Washington	B	B	E	E	E	E	E	E	B	E	B	A	A	B	B	

[illegible]

Southwest																	
Vanderburgh	Evansville	E*	E	E	C	E	D	D	A	E	A	A	A	A	A	A	IM: A, STW:B, 21 st : E, TANF/FS:E
Perry	Tell City	E*	E	B	B	E	E	E	B	E	B	A	A	B	B	E	IM:B, STW:E, 21 st :E, TANF/FS:E
Spencer	Rockport	E*	E	B	B	E	E	E	B	E	E	A	A	B	E	B	IM:B,STW:E, 21 st :E, TANF/FS:E
Posey	Mt. Vernon	E*	E	E	E	E	E	E	B	E	B	A	A	B	E	B	IM:B,STW:E, 21 st :E, TANF/FS:E
Warrick	Boonville	E*	E	E	E	E	E	E	B	E	B	A	A	B	E	B	IM:B,STW:E, 21 st :E, TANF/FS:E
		*Available with non-ABE dollars in all five sites in the area.															
Hoosier Falls																	
Clark	Jeffersonville	E	E	E	E	E	E	E	B	A	E	B	A	A	B	B	STW:E
Floyd	New Albany	E	E	E	E	E	E	E	A	B	A	A	A	A	E	A	STW:D
Harrison	Corydon	E	E	E	E	E	E	E	B	E	E	B	A	A	B	A	STW:E
Washington	Salem	E	E	E	E	E	E	E	B	B	E	B	A	A	B	B	STW:B
Orange	Paoli	E	E	E	E	E	E	E	B	E	E	B	A	A	E	B	STW:E
Crawford	Marengo	E	E	E	E	E	E	E	B	B	E	B	A	A	B	B	STW:E
Scott	Scottsburg	B	E	B	E	B	E	E	B	E	E	B	A	A	B	B	STW:E

Attachment 8

Workforce Investment Planning Regions



December 4, 1998

Workforce Service Areas

The map displays the following counties and their corresponding Workforce Service Areas:

- Dark Green:** Lake, Porter, LaPorte, Jasper, Newton, Pulaski, Starke
- Light Green:** Vermillion
- Yellow:** St. Joseph, Elkhart, Marshall, Kosciusko, Fulton, Wabash, Cass, Miami, Howard, Tipton, Boone, Hamilton, Hancock, Morgan, Johnson, Shelby, Monroe, Brown, Bartholomew, Jackson, Jennings, Orange, Washington, Scott, Clark, Floyd, Harrison, Crawford, Dubois, Pike, Knox, Gibson, Posey, Vanderburgh, Warrick, Spencer, Perry
- Orange:** Grant, Madison, Blackford, Jay, Delaware, Randolph, Henry, Wayne, Union, Franklin, Decatur, Ripley, Dearborn, Ohio, Switzerland, Jefferson
- Light Blue:** LaGrange, Steuben, Noble, DeKalb, Whitley, Allen, Wells, Adams, Benton, Warren, Tippecanoe, Clinton, Carroll, White, Grant, Madison, Blackford, Jay, Delaware, Randolph, Henry, Wayne, Union, Franklin, Decatur, Ripley, Dearborn, Ohio, Switzerland, Jefferson
- Pink:** Parke, Putnam, Hendricks, Marion, Morgan, Johnson, Shelby, Monroe, Brown, Bartholomew, Jackson, Jennings, Orange, Washington, Scott, Clark, Floyd, Harrison, Crawford, Dubois, Pike, Knox, Gibson, Posey, Vanderburgh, Warrick, Spencer, Perry
- Dark Blue:** Marion

Attachment 9

One-Stop System Design Basic Principles

**Not a comprehensive listing of WIA requirements.
Please refer to the WIA legislation for complete information.**

Each One-Stop partner is required to enter into a Memorandum of Understanding (MOU) with the local WIB, in agreement with the Chief Elected Official. The MOU will outline:

- The services to be provided through the One-Stop system;
- How the costs of the services and the operating costs of the system will be funded;
- The methods of referral of individuals between the One-Stop partners;
- The duration of the MOU; and
- The procedures for amending the MOU.

The State anticipates that all local MOUs will not be the same. For example, an umbrella MOU may be developed that addresses the issues relating to the local One-Stop delivery system for the local board and all partners. Also, the umbrella MOU may contain attachments for those who need individualized, in-depth agreements due to the exchange of finances. Another option for the MOU may be that the local board decides to enter into separate MOUs with each partner. Whatever the approach, federal legislative and State policy requirements apply. Also, each State agency needs to determine their parameters for the exchange of resources. Lastly, the individual signing the MOU need not be the same individual who is the One-Stop partner.

Each local area is required to have at least one physical "full service" center at which customers may access services of each of the One-Stop partners. This comprehensive center can be augmented by additional "full service" centers and through a network of One-Stop partners that can consist of physical sites or electronic access points. Regardless of design that a local area chooses, it must be based on a "no wrong door" approach. Services provided through the One-Stop system (defined as providing core services and access to intensive and training services for adults and dislocated workers and all youth services) will be provided to customers regardless of their county of residence.

The One-Stop operator will be selected consistent with the enclosed policy parameters. The One-Stop operator responsibilities are included as a separate attachment.

WIA requires all One-Stop partners to make their services accessible through the One-Stop system. Criteria for determining "access" will be established at the local level in consideration

of both the resources of the local area and the needs of the individual. Level of access may be affected by geography, number of staff in the region, and available resources, and therefore may even vary from one One-Stop center to another within the same region. It is important that the unique needs of the individual be considered as well. An informational brochure about adult education may not provide sufficient access for someone who is illiterate; a computer linkage may not provide sufficient access to vocational rehabilitation for someone who is blind. Local areas should consider multiple ways to provide access to each service or program.

Adult and Dislocated Worker Programs

Title I of WIA creates separate funding streams for adults and dislocated workers. For both types of clients, there are three levels of services: core services; intensive services; and training. Through a "work-first" approach to service delivery, WIA promotes work by assuring that the most job-ready individuals use up-front services such as job placement before accessing more intensive services or skills training.

Core Services are:

- Determination of eligibility for services;
- Outreach, intake (which may include worker profiling), and orientation to the One-Stop system;
- Initial assessment;
- Job search and placement assistance, and career counseling;
- Provision of labor market information;
- Provision of information on:
 - eligible training providers;
 - local performance, outcomes;
 - One-Stop activities;
 - filing claims for Unemployment Insurance;
 - supportive services.
- Assistance in establishing eligibility for Welfare-to-Work and financial aid assistance; and
- Follow-up service.

Core services are available to all individuals. Previously, only Wagner-Peyser funds could be used to provide labor market information and labor exchange services for any employer or job seeker without regard to specific program eligibility. WIA expands the concept of universal access to all core services provided through the One-Stop system. The combination of Wagner-Peyser funds and funds from WIA may result in an expansion of accessibility to core services. Any core services provided through non-Wagner-Peyser funding will supplement Wagner-Peyser funded services and not supplant any Wagner-Peyser funded services provided by Wagner-Peyser staff.

Core services will be provided by the One-Stop partners. Indiana will not permit local WIBs and their staff to directly provide core services, unless (for PY 1999 only) the staff are part of a coalition of partners that act as a One-Stop operator.

Intensive Services are:

- Comprehensive and specialized assessments of skills levels (i.e., diagnostic testing);
- Development of an individual employment plan;
- Group counseling;
- Individual counseling and career planning;
- Case management; and
- Short-term prevocational services.

Intensive services may be provided to adults and dislocated workers who are unemployed and are unable to obtain employment through core services, if the One-Stop operator determines that the individual is in need of more intensive services in order to obtain employment. Adults and dislocated workers who are employed, but who are determined by the One-Stop operator to be in need of intensive services in order to obtain or retain employment that allows for self-sufficiency are also eligible to receive intensive services.

Intensive services may be provided by One-Stop operators or through contracts with service providers, including contracts with public, private for-profit and private nonprofit service providers, approved by the local board. Indiana will not permit local WIBs and their staff to directly provide intensive services unless (for PY 1999 only) the staff are part of a coalition of partners that act as a One-Stop operator. At this time, with substantial Temporary Assistance for Needy Families (TANF), Welfare-to-Work, and Food Stamp employment and training funding, it is determined that funds are not limited. Therefore, local WIBs may determine locally whether or not to prioritize welfare recipients and other low-income individuals for intensive services. In the event the WIB determines that training funds are limited on a region-wide basis, the priority for intensive services shall be any of the following:

- Former or current TANF recipients who are working but who need GED or occupational skill training to increase their wages;
- Food Stamp recipients who are working and who need GED or occupational skill training to increase their wages;
- Low income individuals not eligible for TANF or Food Stamps and who need GED or occupational skill training; and
- The working poor who need GED or occupational skill training to increase their wages.

Training Services are:

- Occupational skills training, including training for nontraditional employment;
- On-the-job training;
- Programs that combine work place training with related instruction, which may include cooperative education programs;
- Private sector training programs;
- Skill upgrading and retraining;
- Entrepreneurial training;
- Job readiness training;
- Adult education and literacy activities in combination with other training services; and
- Customized training conducted with the commitment to employ the individuals upon successful completion of the training.

Individuals who have met the eligibility requirements for intensive services and are unable to obtain or retain employment through intensive services may receive training services consistent with a service plan developed in intensive services. At this time, with substantial TANF, Welfare-to-Work, and Food Stamp employment and training funding, it is determined that funds are not limited. Therefore, local WIBs may determine locally whether or not to prioritize welfare recipients and other low-income individuals for training services. In the event the WIB determines that training funds are limited on a region-wide basis, the priority for training services shall be any of the following:

- Former or current TANF recipients who are working but who need GED or occupational skill training to increase their wages;
- Food Stamp recipients who are working and who need GED or occupational skill training to increase their wages;
- Low income individuals not eligible for TANF or Food Stamps and who need GED or occupational skill training; and
- The working poor who need GED or occupational skill training to increase their wages.

The underlying principle of the provision of training services under WIA is customer choice. Through local WIBs, the State will compile a list of eligible training providers that meet levels of performance as set by the Governor and the WIBs. Individuals may choose any provider from the list of approved providers, whether or not the provider is located in the local area where the individual resides.

Training will be geared toward the economic development needs of the region. Training funded by any partner except vocational rehabilitation will be prioritized for occupations in demand in the labor market, or in a labor market to which the trainee is willing to move and has a plan for moving. An occupation in demand includes a job for which there is ordinarily limited demand, but the individual has a bona fide job offer contingent upon completion of training.

Training funded by any partner will build on existing skills first. That is, if an individual may

be trained for a good job more quickly and economically by building on existing skills, that will take precedence over training the individual for an entirely new occupation. Publicly funded training is not an entitlement. Customer choice applies to how and where training is provided. Although the customer's interest will be taken into consideration in developing existing skills, the demand of the labor market and limited training dollars take precedence.

"Unable to benefit from" core or intensive services needs to be determined based on two factors: the individual and the workforce needs of the regional economy.

Scenario One: a welfare recipient with no occupational skill.

- TANF and Food Stamp employment and training funds could be used at the community level to provide the social service supports and initial development to assist the individual to obtain and retain entry-level employment.
- After the individual and his/her family have become stabilized (e.g., six months) at the entry employment level, WIA Title I training funds could be used to provide occupational training that will help that individual *retain employment in a demand occupation in the regional economy that will ensure future self sufficiency*. That is, the regional economy's need for specific occupational skills still has not been met; the individual is still "at risk" of not retaining employment because he/she does not have skills in demand; the individual is at risk of not retaining self sufficiency because the entry-level job does not permit asset building and advancement potential that will protect the family in the event of an economic downturn.

Thus, although the individual is employed and currently self-sufficient, he/she meets the test for expenditure of intensive services or training dollars under the tiered service delivery system.

Scenario Two: A dislocated worker with skills, laid-off from a high wage job because the job is no longer needed in the economy.

- The individual may initially benefit from core services. Under the "work first philosophy," the person should be placed immediately in a job, even if the wage does not approximate previous income.
- Although employed, the person may not yet be "self sufficient" from an individual standpoint because he/she may not be able to maintain his/her current home and transportation due to the wage reduction. The One-Stop operator will need to make such a determination in considering self-sufficiency.
- Although employed, the regional economy may not be benefiting from the individual's exiting skills.
- While employed at this initial placement obtained through core services, the individual would be eligible for intensive services, such as in-depth assessment and

counseling to identify transferable skills that would enable the person to obtain more suitable employment (note: as One-Stop centers begin to serve more employed persons who are eligible for intensive services or training, hours of operation may need to be reconsidered to accommodate customers who work full time. Additionally, education and training institutions may need to extend the accessibility and availability of training for skills in demand in the regional economy to accommodate the growing need for training among the full time worker population).

- If assessment and counseling do not result in the individual being placed in a job that meets the double test of preservation of current self-sufficiency and benefit to the skill demands of the regional economy, the person would be eligible for training. In accordance with state policy parameters, training is not an entitlement and the individual should be pursuing employment in a high demand job that contributes to the development of the regional economy to be eligible for training. Additionally, the policy parameters require that the individual's existing transferable skills be identified and built upon to conserve training funds.
- Individuals who do not want to utilize their transferable skills or who are not interested in employment in occupations needed by the regional economy may still be assisted through the One-Stop center. Such individuals may be provided information about labor markets, wages, schools, training providers, loans, and financial aid and given assistance in making application for services they purchase or fund on their own.

Youth Programs

WIA provides a variety of activities that will prepare youth for academic and employment success. To the extent practical and feasible, outcomes for youth should be "competency" based. Such a "competency" requirement can be met in different ways. Examples include but are not limited to the WIB approving a formal competency system, youth developing and maintaining portfolios, and youth being awarded certificates of achievement.

Youth services will be delivered by entities that are competitively awarded a grant or contract by the local WIB to provide such services. Such entities may or may not be the same as those serving as One-Stop partners or as the One-Stop operator(s) in the local area.

Local boards and youth councils are encouraged to coordinate youth activities (including adult mentoring programs and leadership development opportunities) with other community funded programs which meet the needs of youth, i.e., school-to-work groups, alternative education programs, 21st Century Scholars, etc.) Each local area can determine the extent to which they want to integrate youth services with adult and dislocated worker services. It is envisioned that localities would make connections to the adult system through relationships with the private sector and higher education institutions, and through their streamlined administrative structure.

SECRETARY'S AGREEMENT

Governing Services to Veterans

I. Preamble.

In accordance with the Workforce Investment Act of 1998, Section 322, this Agreement between the Governor of Indiana, the Department of Workforce Development and the Secretary of the Department of Labor (DOL), through the Veterans' Employment and Training Service (VETS), specifies the provision of services to veterans, the roles and responsibilities of the Workforce Investment Act of 1998 (WIA) service providers, and the integration of Disabled Veteran Outreach Program (DVOP) specialists and Local Veteran Employment Representatives (LVERs) into one-stop delivery systems and other Service Delivery Points (SDPs) within the State of Indiana. The agreement has been developed to assure coordination and avoid duplication at the service delivery points. The agreement extends the historical preferential precedents for veterans and other eligible persons to the State Workforce Investment System. In administering veterans' service programs under Chapter 41 and 42 of Title 38 United States Code, the Department of Workforce Development will undertake the functions described in this Agreement.

II. Scope.

The parties to this document agree and resolve to maximize services to veterans following the priority to veterans described in Title 38, U.S. Code Chapters 41, 42 and 43; Chapter IX, Code of Federal Regulations, codified at 20 CFR 1001.100 et seq. and the Special Provisions of the DVOP/LVER Grants, through their cooperation in activities and staffing at one-stop delivery system sites.

III. Purpose of One-Stop Delivery Systems.

The Department of Workforce Development and VETS agree that the one-stop delivery systems will integrate fully the multiple career development services provided to veterans. One-stop delivery system veteran customers will be provided access to the full array of services available within the system, empowered with customer choice and customized access to those services which satisfy their individual needs for career development. Access to the system will be provided universally to assure customers that there is no wrong door. In the provision of these services veterans' priority will be followed in accordance with Title 38, U.S. Code, Chapters 41 and Chapter IX, Code of Federal Regulations, codified at 20 CFR 1001.100 et seq., and the provisions of the DVOP and LVER grants. The LVER and DVOP program will also facilitate veteran access to all WIA employment and training programs, as required by Section 112 (b)(17)(B) of the Workforce Investment Act of 1998.

IV. Components and Activities.

The following outline reflects the elements of universality, customer choice, integration and performance which have been identified as key factors for the efficient functioning of one-stop delivery systems in the Workforce Investment system.

A. INTAKE, ASSESSMENT AND REGISTRATION

1. **Universality.** Veterans will be allowed to register at all locations at which registration is offered, using standardized data elements as prescribed by Federal guidelines. Individual needs of veterans may be assessed to access core services, intensive services, and training services, as needed, in all one-stop delivery systems, to determine the appropriate level of services to be provided. If veterans' needs cannot be met at the point of intake, veterans will be referred promptly to the appropriate service provider. Access to LVER and DVOP staff will be provided through the one-stop delivery system, if requested by a veteran.
2. **Customer Choice.** Veterans will be encouraged by one-stop delivery system staff to self-identify in order to establish their eligibility for priority for services funded by the Wagner-Peyser Act (W-P Act). Veterans will be provided the options to:
 - a) self-register for core services
 - b) request assessment for intensive services, and/or
 - c) request assessment for training services as appropriate to meet their needs.
3. **Integration.** Qualified veterans will be provided priority in all services provided under the Wagner-Peyser Act at the point of intake and in assessment for all services.
4. **Performance.** Performance will be measured by comparing needs of veterans as identified at the point of intake with the service provided at the point of exit. Measures of performance will be client-centered and outcome-oriented and will include timeliness of services provided.

B. MEDIATED AND NON-MEDIATED SERVICES IN PLACEMENT, DEVELOPMENT OF JOBS AND JOB TRAINING OPPORTUNITIES.

1. **Universality.** Veteran one-stop delivery system customers assessed as being "job ready" will be provided with priority access to job information services, including all types of job referrals funded by the W-P Act. In those instances where appropriate job listings are not available, veterans will be instructed in the use of self-directed job search techniques and technology. Veterans who are unsuccessful in accessing job opportunities will be identified and provided job development services.
2. **Customer Choice.** Veterans will be provided with maximum access to labor market information. Services provided will be customer driven. Where available, veterans will be trained in the use of technology, Internet resources, and other career information delivery systems including ALMIS.
3. **Integration.** DVOP and LVER staff will provide technical assistance and staff training to one-stop delivery system staff relative to programs, resources and

the priority of services for veterans. LVER staff, as functional supervisors for veterans services, will make recommendations to one-stop delivery system operators for improvements in services to veterans. DVOP and LVER staff will, where feasible, provide direct services or assist one-stop delivery system staff in the provision of priority services for veterans under the Wagner-Peyser Act.

4. Performance. The Department of Workforce Development will be responsible for assuring priority services for veterans leading to achievement of performance standards for veterans' services within the one-stop delivery system. Measures of Performance for veterans' services will be negotiated between VETS and the Department of Workforce Development.

C. OUTREACH/OUT-STATIONING OF LVER/DVOP STAFF

1. Universality. LVER and DVOP staff will provide outreach services to veterans at Service Delivery Points (SDPs) that have no LVER or DVOP assigned. However, DVOP staff assigned to these one-stop delivery systems may not be used to fulfill the mandated out-stationing requirement of 38 U.S.C. Chapter 41. Outstation sites may include Transition Assistance Program (TAP) sites, Department of Veterans Affairs (DVA) facilities, or other sites, as appropriate and agreed to. All out-stationing sites of LVER and DVOP staff will be coordinated with the State VETS Director. DVOPs and LVERs are to conduct outreach to employers, community agencies, veterans' organizations, etc. and share the information gained from these contacts to Service Delivery Point staff.
2. Customer Choice. Veteran customers will be provided with options to obtain assistance at out-station sites, during scheduled outreach visits, at full-service centers, or by electronic access from other access points. Other organizations and agencies should be encouraged to establish America's Job Bank Internet Access Zones.
3. Integration. Out-station/Out-reach sites will be encouraged to enter into formalized Memorandums of Understanding (MOU) to define the range of services available to veteran customers and the responsibilities of DVOP and LVER staff providing such services. MOUs will assure that veterans are provided priority in the services funded by the W-P Act at the center.
4. Performance. Measures of performance will include an annual assessment by the State VETS Director of all formal and informal agreements established to facilitate priority of services for veterans for W-P Act funded activities in one-stop delivery systems, including out-station and out-reach sites.

D. FEDERAL CONTRACTOR PROGRAM (FCP) AND VETERANS' PREFERENCE FOR FEDERAL JOBS

1. Universality. Federal Contractor Program job information and listings of Federal jobs will be available at all one-stop delivery systems. LVER staff who are designated as Monitors for the workforce investment area will provide training to one-stop delivery system staff relative to the Federal Contractor Job Listing Program and Complaint systems as well as the Federal employment opportunities for veterans. Where feasible, the one-stop delivery system will establish an America's Job Bank (AJB) Access Zone using Internet technology to provide access to Federal Contractor and Federal Agencies job listings. One-stop delivery system staff, in cooperation with LVER Monitors, will promote the establishment of AJB Access Zones at other Community Based Organizations and Department of Veterans Affairs (State and Federal) offices.
2. Customer Choice. Veterans will be provided both printed and electronic Federal Contractor Program and Federal job information, including information relative to filing complaints with the State VETS Director. Federal Contractors and Federal Agencies will be provided with recruitment assistance in accordance with their obligation for Affirmative Action and veterans' preference requirements pursuant to 38 U.S.C., Chapter 42.
3. Integration. The FCP and Federal job opening listings will be integrated into all one-stop delivery systems to assure that veteran customers, Federal Contractors and Federal Agencies have full access to jobs listings, qualified applicants and program information. Veterans will be provided information in the filing of complaints as necessary. LVER and DVOP staff will provide technical assistance and staff training to one-stop delivery system staff relative to Federal Contractor Programs.
4. Measures of Performance. Performance will be measured by surveying customer satisfaction with FCP assistance provided by one-stop delivery system staff, and by evaluation of the quality and timeliness of services provided by LVER/DVOP staff.

E. CASE MANAGEMENT SERVICES FOR TARGETED VETERANS

1. Universality. Case Management services for targeted veterans will be provided by LVER and DVOP staff and appropriate one-stop delivery system staff. These Case Management services will parallel similar services provided for other customers within one-stop delivery systems.
2. Customer Choice. Case Management services for targeted veterans will be client focused and client driven. Targeted veterans will be provided choices based upon need and the resources available to meet those needs. When necessary and when appropriate, clients will be assisted in accessing resources outside the one-stop delivery systems.

3. Integration. Case Management services for veterans through the LVER and DVOP staff will include the resources of the one-stop delivery system and the Department of Veterans Affairs Vocational Rehabilitation & Counseling (VR&C) system. The Veterans' Employment and Training Service (VETS) will define the procedures and services to be provided to targeted veteran clients who are case managed. Case Management training at the National Veterans Training Institute (NVTI) will be requested for those one-stop delivery system staff, DVOP staff and LVER staff who will be providing case management services to veterans.
4. Performance. Measures of Performance will track veterans who have been referred to the one-stop delivery system for Case Management Services by the DVA. Measures of Performance will include the number of such veterans referred, the number of such veterans entered into case management, and the outcomes resulting from case managed systems. Common definitions of data will be negotiated between VETS, the one-stop delivery system administrator and the DVA VR&C to insure standardized reporting of outcomes by each system.

F. ROLE AND RESPONSIBILITIES OF PUBLIC EMPLOYMENT SERVICE MANAGEMENT AND STAFF IN THE PROVISION OF SERVICES TO VETERANS

1. Universality. As part of the local Memorandums of Understanding (MOUs), LVER and DVOP staff can receive guidance from the one-stop delivery system operator. However, compensation, personnel actions and terms and conditions of employment, including performance appraisals and accountability of merit-staff employees will remain under the authority of the State Agency. LVERs assigned to one-stop systems will monitor and provide quarterly reports to their one-stop delivery system operator on the universality of veteran services provided by one-stop delivery system staff and the access and receipt of these veteran services.
2. Customer Choice. To assist customers to make an informed choice, one-stop delivery systems will provide information during the intake process that advises veterans of the advantages of registration to access special programs and services for veterans and the availability of special staff to discuss employment issues.
3. Integration. One-stop delivery system operators will encourage and promote all programs participating in the Workforce Investment system to provide the maximum of employment and training opportunities to veterans.
4. Performance. One-stop delivery system operators will be held responsible for assuring priority services for veterans where Wagner-Peyser, LVER, DVOP, or public employment services resources are used. Measures of Performance

for veterans services will be negotiated between VETS and the Department of Workforce Development. Program activity and program costs will be reported in accordance with the DVOP/LVER grant agreement.

V. EFFECTIVE DATE.

This Agreement shall be fully executed and effective as of the date of the signing of this document. The Agreement shall be automatically renewed on October 1st of each subsequent year, absent an express written notice of an intent not to renew, received by all signatories at least 30 days prior to the October 1st renewal date. This Agreement may be amended if agreed to by all parties.

VI. PRINCIPAL SIGNATURES.

Governor, State of Indiana

Date

**Commissioner, Indiana Department of Workforce
Development**

Date

**Director, Veterans' Employment and Training,
U.S. Department of Labor**

Date

RAPID RESPONSE STEP BY STEP

- 1. WARN RECEIVED/ PUBLIC ANNOUNCEMENT/OTHER CONTACT**
- 2. STATE RR COORDINATOR MAKES CONTACT WITHIN 48 HOURS**
- 3. INITIAL ONSITE MEETING:** State RR Coordinator and WIB representative meet with representatives of the company and the workers.

Purpose of initial onsite meeting:

- Gather and share information; fact finding
 - Offer aversion assistance if appropriate; extend offer to contact business and government resources, explain pre-feasibility study, etc.
 - Provide written information, contact names and telephone numbers
 - Promote labor management cooperation
 - Discussion of the concept of Labor Management Adjustment Committee and/or less formal planning committee is at the discretion of the State RR Coordinator
 - Provide a brief overview of services provided by state and local service providers (provide UI manager's name and number if employer has questions concerning severance packages, etc.)
 - Discuss TAA and NAFTA-TAA and offer written information and petitions - at the discretion of the State RR Coordinator
- 4. STRATEGIC PLANNING SESSION:** Event based team; UI, E&T, WIA, local CBOs may include TAA coordinator if petition has been filed

Purpose of strategic planning session:

- Share information re: closing or layoff; workforce characteristics, benefit package, layoff schedule, etc.
- Evaluate resources: WIA funds, Trade Act, employer contribution, need for additional funding
- Develop strategy for service; agree on times for orientation sessions and future meetings with company and union if applicable
- Determine if event will be addressed as a project or if workers will be served in home service delivery areas
- Based on survey results, plan for pre-layoff services
- **NOTE: upon notification of certification of the TAA or NAFTA/TAA petition the event based team will meet again to develop procedures, materials, and an agenda for orientation session**

5. ESTABLISHMENT OF WORKER ADJUSTMENT COMMITTEE (Optional)

6. ORIENTATION SESSIONS FOR WORKERS

- Introduction of program by Regional Rapid Response Coordinator: a brief overview of state and local services intended to tie all of the following together:
- Unemployment Insurance
- Job Search/Local Labor Market Information
- E&T services; CS3, vet reps, counseling, workforce development centers, JIC, other opportunities and services available within the community
- WIA dislocated worker program: basic readjustment and retraining opportunities through WIA, eligibility examples, enrollment procedures, etc.
- TAA and NAFTA/TAA; very brief statement about Trade Act Programs as possible additional sources of funding for services will be given
- Presentation by local community based organizations (Optional)
- NOTE: if TAA OR NAFTA-TAA has been filed, the RR Coordinator (or E&T representative) will explain that, if certified, further information will be provided in a

letter to each individual, in the local newspaper, and in an additional orientation session

- **NOTE: if and when the petition is certified, an additional orientation session should be held to more fully cover program specific services and coordination of those services with others from the worker's point of view**

7. ARRANGE FOR PRE-LAYOFF SERVICES

- Flexible, according to needs of workforce and timeframe prior to dislocation
- Can be on-site or off-site
- Can be provided by WIB area, E&T, or other service provider such as community based organization or employer provided outplacement support
- RR funds can be used to support group activities

8. RECRUITMENT INTO VARIOUS PROGRAMS/SERVICES

9. MAINTAIN CONTACT WITH SERVICE PROVIDERS, EMPLOYER AND WORKER ADJUSTMENT COMMITTEE IF IN PLACE

10. PROVIDE TECHNICAL SUPPORT AND ASSISTANCE

RAPID RESPONSE ORIENTATION SESSION

GOAL: Understanding the impact of job loss on workers and their families, it is the goal of the RRT to acknowledge and affirm the feelings the workers have and to use a variety of methods to provide information to assist them in making the transition to a new job.

- Acknowledge role of company and union in allowing early intervention services. Acknowledge LMAC if in place
- Assure them they are not alone, that others have and are going through the same thing - bad news/good news.
- Provide some information on local labor market, particularly for long-tenured employees.
- Arrange for information on E&T and community services to be provided to workers
- Use a variety of methods to impart information: oral, written, overheads, videos, be willing to talk one on one following session
- Understanding that job loss affects the entire family, not just the worker, encourage workers to share information with their families

GOAL: Use questions asked and survey results to gauge need for various early intervention services.

- Explain why survey information is important to workers
- Allow time at end of session for surveys, provide pencils, collect as workers leave
- Arrange for quick compilation and return of information to SDA and LMAC

GOAL: Arrange for state and local staff to give presentations on ES/job service and local labor market information, UI and JTPA/EDWAA.

- Ensure that agenda topics are covered and questions are answered.
- Provide overheads for speakers to use if appropriate or requested.

Format: Introduction

RR Coordinator

ES/job service/local labor market information]

UI

JTPA/EDWAA

Community Services

What's next? Where do we go from here? (RR coordinator)

Survey

TO: Chief Elected Officials
Workforce Investment Board Directors

Steering Committee

FROM: Craig E. Hartzer
Commissioner

DATE: November 5, 1999

SUBJ: DWD Communication 99-21
Rapid Response Resources for Serving Dislocated Workers Under the
Workforce Investment Act (WIA)

RE: WIA Title I, PL38

Purpose: To provide policy about the availability and use of Workforce Investment Act (WIA) Title I rapid response funds and State Workforce Development Funds (traditionally called PL38) for dislocations and emergency assistance.

Rescission: DWD Communications 97-55, dated April 15, 1998.

Content: In spite of a strong national and state economy, downsizings and closures in Indiana have continued at a fairly steady rate. Consolidations, loss of contracts, and shifts in production out of the country or to other states have led to the loss of many high paying jobs in the state. Nearly 70% of those jobs were in the manufacturing sector. This anomaly of good economy paired with loss of jobs is played out on a nationwide basis. Therefore, Congress and the U.S. Department of Labor (DOL) renewed in WIA the focus on rapidly responding to dislocated workers. Some indicators of this renewed focus are:

Increased funding nationally for dislocated workers this program year (although Indiana experienced a decrease due to factors in the allocation formula).

A separate funding stream for dislocated workers under the new Workforce Investment Act.

A new toll-free national hot-line number for dislocated workers (currently being piloted in several states).

A national conference for Rapid Response in Washington, DC in July, 1999.

The provision in WIA Title I is for up to 25% of the dislocated worker funding stream to be set aside for rapid response activities. This marks a distinct change from the Job Training Partnership Act (JTPA) Title III, under which 40% of the dislocated worker fund was set aside as a Governor's Reserve. The Governor's Reserve could be used for rapid response as well as other employment and training activities for dislocated workers.

The development of a national Rapid Response Technical Assistance and Resource Guide.

The development of a national Rapid Response Peer Expert Directory.

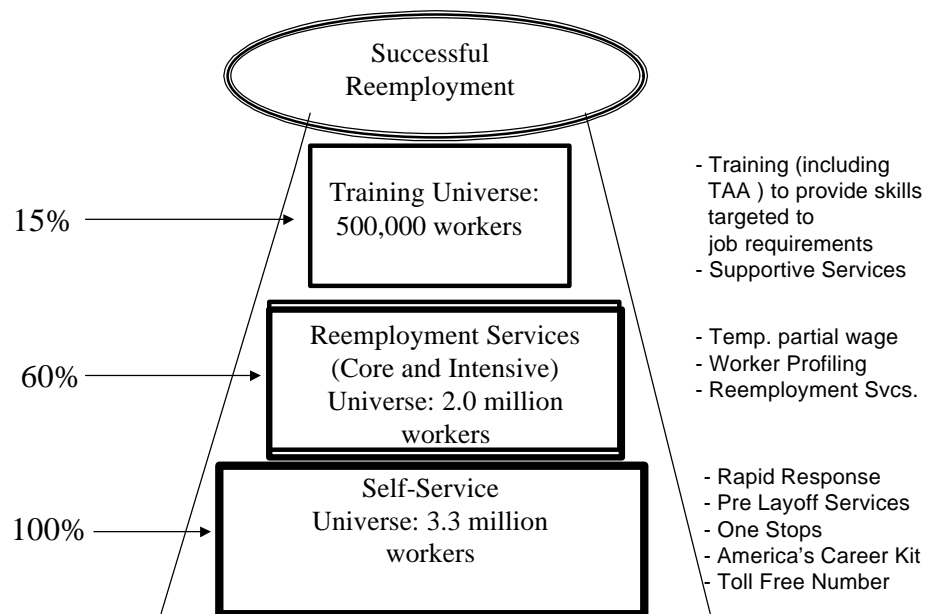
Congressional action to reauthorize the Trade Adjustment Assistance Program as a program for displaced workers separate from WIA.

THE IMPACT OF WIA IMPLEMENTATION ON DISLOCATED WORKERS

The Workforce Investment Act maintains a separate funding stream for dislocated workers. Unlike JTPA, WIA defines two set-a-sides from the funding stream for discretionary use by the state. The state is to reserve a maximum of 15 percent for statewide activities and up to 25 percent for statewide rapid response activities (sec.133 (a)(1) and (a)(2)). The balance, 60%, is allocated by formula to the Workforce Service Areas (WSAs) for core, intensive, and training services.

The following diagram outlines the Department of Labor's estimated percentage of eligible dislocated workers appropriate for each tier of service. Note the expectation that 100% of the dislocated workers identified through plant closure/mass layoff notices or during interaction with the One-Stop system will receive informational and Self-Service services.

The One Stop System for Dislocated Workers



The WIA approach to serving dislocated workers is different from JTPA. Under JTPA the emphasis was on training. In fact, under JTPA 50% of a grantee's EDWAA allocation had to be spent on training. The emphasis under WIA is to provide up-front informational and emergency services to affected workers supported by core, intensive, and training services as appropriate. The emphasis is on *finding suitable employment as quickly as possible*, not necessarily entering training. The vehicle for accomplishing this is to assist the worker in moving through a series of informational, self-service, core, intensive, and training services as appropriate.

JTPA traditionally enrolled on average slightly over one third of the identified eligible dislocated workers. This held true in the past program year as 4,785 were enrolled in formula-funded programs and an additional 2,785 individuals were enrolled under Governor's Reserve grants. Statewide, over 15,000 workers were dislocated. Of those enrolled, some received just basic readjustment services, not retraining. Under WIA, many training options once considered "training" under JTPA may now be considered as "intensive services." The WIA category of intensive services includes ABE/GED, pre-vocational, computer literacy and other non-occupational specific skill enhancing training. Rapid Response funds may be accessed quickly for pre-layoff core and intensive services.

GOALS AND OBJECTIVES

I. Dislocated Workers:

Consistent with WIA goals, Indiana will apply the "work-first" philosophy for dislocated workers by providing rapid response and pre-layoff activities and linkages to One-Stop services. These services will help Indiana's dislocated workers obtain suitable employment as quickly as possible. Indiana will continue to support intensive services and training for those workers identified as needing education or new skills in order to obtain suitable employment through WIA Title I and the Trade Adjustment Assistance Act.

II. Rapid Response:

Consistent with WIA, Indiana's rapid response objective will be to develop an appropriate response tailored to the immediate and long term needs of the affected workers in conjunction with the One-Stop partners, the local WIB, and the community.

The strategies used to meet this objective will be to identify and arrange/provide for appropriate pre-layoff and core services to address the needs of the maximum number of dislocated workers in a pre-layoff mode.* The anticipated outcome will be a timely return to suitable work via effective linkages to the One-Stop, One-Stop partner services, and community services.

- * Rapid Response funding will be used to encourage pre-layoff and core services **on-site** whenever possible. A mix of funding including Rapid Response, sub-state allocation, Workforce Development Funds and National Emergency Grant assistance may be used to fund intensive and training services as well.

POLICY FOR USE OF RAPID RESPONSE FUNDS FOR DISLOCATION EVENTS

*"Rapid Response assistance commences at the site of dislocation as soon as a state has received a WARN notice, a public announcement or other information that a mass dislocation or plant closure is scheduled to take place. The Department (DOL) believes that this early intervention feature for dislocated workers, provided in a comprehensive and systematic manner through collaboration between the State, Local Boards, One-Stop partners and other applicable entities, is **critical** to enabling workers to minimize the duration of unemployment following layoff. The Department strongly urges States and Local Boards to implement processes that allow for **core services to be an integral part of rapid***

response assistance, preferably on-site, if the size of the dislocation and other factors warrant it.” (Section 665.300 prologue.)

I. Funding:

By law, Indiana must distribute a minimum of 60% of WIA Title I dislocated worker funds to the Workforce Service Areas (WSAs) for local use. These funds are known as the sub-state allocation. DWD will retain 15% for statewide activities. Indiana will reserve 25% of the total state allocation for Rapid Response activities. This 25% set-aside will be utilized to fund two separate Rapid Response initiatives.

Rapid Response “emergency grants” up to \$25,000 to fund service providers in initial *pre-layoff, core, and intensive services.*

Supplemental Sub-state Allocation (SSA) may be requested to fund additional services following the provision of initial services and preliminary assessments.

Funds from the state Workforce Development Fund will be available to provide additional funding to meet local needs, and national reserve grant money will be available to assist with larger dislocations. Leveraging resources from federal, state, local, and community resources, including other One-Stop partners, will be part of the role of state and local rapid response coordinators.

II. Rapid Response:

The Workforce Transition Unit's State Rapid Response Team is responsible for rapid response activities. This team is comprised of four outstationed Regional Rapid Response Coordinators and a manager at the state level. Additionally, Indiana will contract with each of the sixteen WIBs for a Local Rapid Response Coordinator. Local coordinators will work with the Regional Rapid Response Coordinators in organizing services on-site at dislocations of 50 or more and may provide (or arrange for the provision of) group workshops. The WIB may also elect to respond to dislocations of 49 or fewer, utilizing the local coordinator.

Additionally, Indiana will continue to contract with the Indiana AFL-CIO Labor Institute for Training for rapid response support, which includes a number of specific duties and activities.

The Regional Rapid Response Coordinators, in conjunction with local coordinators, will provide assistance to the local boards and chief elected officials in developing a coordinated response to dislocation events, in obtaining access to state economic development assistance, and in applying for national emergency grant funds.

Consistent with quality rapid response design principles, rapid response will follow the time-proven protocols such as initial on-site meetings and orientations.

Quality Rapid Response Design Principles:

1. Sooner Rather than Later

2. Aversion Better than Layoff
3. Customer Choice in Design and Delivery of Services
4. Leveraged Resources
5. Seamless Service Delivery
6. On-site Better Than Off-site, or Bring Services to the Workers
7. Active Promotion
8. Success is Measurable
9. Consistent and Accurate Information
10. Partnerships

Indiana promotes the development of a strategic plan for each event. At this planning stage the various stakeholders and service providers will agree upon what services need to be provided, who can provide them and when and where they will be provided. Any of the One-Stop partners, community organizations, and regional or local rapid response coordinators may provide the designated rapid response informational and pre-layoff services. Core, intensive, and training services will be provided by One-Stop partners as agreed to by the local WIB.

A Regional Rapid Response Coordinator will be responsible for ensuring that a planning document is completed for each event. If additional funding is needed to support costs such as staff costs, material, and equipment costs, a funding-needs document may be submitted to DWD for emergency funds.

III. Accessing Rapid Response Emergency Grants and Supplemental Sub-state Allocation Funds for Dislocated Workers

- **Emergency Grants**

1. The Regional Rapid Response Coordinator will work with the Local Rapid Response Coordinator and One-Stop Operator to determine the need for and amount of an Emergency Grant to address a specific dislocation event. The maximum amount that may be requested is \$25,000.
2. A very brief (1 page) strategy letter will be signed by the WIB Director and Regional Rapid Response Coordinator. The letter, which may be faxed, will provide:
 - Name and location of company
 - Number of affected workers
 - Start date of grant modification
 - The amount of Emergency Rapid Response funds being requested
 - Whether a Supplemental Sub-state Allocation request is anticipated
 - Which partners will utilize the funds and for what purpose (for example; \$2,000 by the ABE provider for GED testing and instruction; \$3,000 by DWD staff for assessment and on-site workshops; \$10,000 by the WIA entity for workshops, testing and assessment, counseling, job search, etc.). Any part of the emergency grant that is to be utilized by Wagner-Peyser staff will be held at the state level for time charging.
3. Emergency Rapid Response funds may ONLY be used for pre-layoff, core and intensive rapid response activities as defined in the Act,. Any participant entering

- intensive services funded by an Emergency Rapid Response grant must be registered in WIA and will count toward performance.
4. Administrative funds are limited to 10% of the amount that is granted to the WIA fiscal agent.
 5. The strategy letter should be faxed to Sharon Langlotz, the Director of the State Dislocated Worker Unit who, after review, will provide it to Craig Thompson, the Deputy Controller at DWD. The Deputy Controller will return a fax authorizing the WIB Director to expend the amount specified in the letter. The WIB Director may begin expending funds immediately using available formula funds up to the amount identified in the DWD's "letter of Credit." DWD's "letter of credit" guarantees that the emergency grant funds will be modified into the local grant and will be available to replace the formula funds expended on initial services.
 6. DWD will immediately initiate a grant modification package to send to the WIA fiscal agent. If a Supplemental Sub-state Allocation is anticipated in the immediate future, the grant modification may be held pending receipt of the SSA proposal so that only one modification is necessary.

- **Supplemental Sub-state Allocation (SSA)**

1. The Regional Rapid Response Coordinator will work with the Local Rapid Response Coordinator and One-Stop Operator to determine the need for and amount of any additional supplemental funds to address a specific dislocation event. This may be in addition to the Emergency Grant funds.
2. The Workforce Investment Area in conjunction with the Regional Rapid Response Coordinator will be responsible for the development of any request for additional assistance. The involvement of the Regional Rapid Response Coordinator ensures that plans submitted to the state are essentially ready to be funded and can be more quickly reviewed and acted upon.
3. The proposal for SSA will be part of a strategic plan for community response to the dislocation event. It will build on the Emergency Grant request, so information provided as part of the Emergency Grant does not need to be repeated. However, a copy of the Emergency Grant application must be attached. The SSA proposal will address:
 - requested start and end dates for the grant
 - the type of services to be provided and how the service mix was determined
 - the proportion of affected workers anticipated to receive each type of service
 - resources that may be contributed by the employer (such as outplacement services and severance packages), the community (such as financial aid counseling and other service offered by banks or community-based organizations, and local tax dollars contributed by the elected officials for services), and the partners (including how the various One-Stop partners will utilize their existing resources to address the event).
 - whether an application for TAA or NAFTA TAA is appropriate and being filed and how those resources fit into the strategy.
 - projected outcomes.

Part of the strategic plan may be the development of a National Reserve Account (NRA) proposal. DWD expects that in any case where an NRA grant is appropriate, the local planning team will actively pursue such federal funds.

4. SSA money may be used for all rapid response activities including pre-layoff, core, intensive, and training services. However, it is DWD's expectation that the 25% Rapid Response funds will be used primarily for pre-layoff, core, and intensive services and that additional funding from the State Workforce Development Fund will be targeted to training that will result in credentials. DWD will determine the mix of 25% Rapid Response funds and State Workforce Development funds that will be used to address the proposal.
5. Administrative funds will be limited to 10% of the funds to be granted to the WIA fiscal agent. Funds to be utilized by DWD staff should be indicated in the proposal and will be held at the state level for time charging.
6. Proposals will be signed off by the WIB Director and state unit's Regional Rapid Response Coordinator. The Rapid Response Coordinator will be responsible for delivering the proposal to the DWD Policy and Planning Unit and follow-up as necessary.
7. The Policy and Planning Division will coordinate internally, request the necessary grant modification package from fiscal, prepare the award letter and recommend funding to the Deputy Commissioner of Field Operations.
8. Upon approval and signature by the Deputy Commissioner, the Policy and Planning Division will mail the award packet to the WSA.

Effective Date:

July 1, 1999

Ending Date:

June 30, 2004

Action:

Regional Rapid Response Coordinators in conjunction with state and local staff, and in support of the WIBs, will take the lead in ensuring that strategic planning is accomplished to develop a coordinated response to each dislocation event. WIB Directors, Program Directors, and One-Stop Partners are to be aware of the information provided in this communication regarding services for dislocated workers, funding, and rapid response responsibilities and plan of service.

Attachment 12

TO: WIA Fiscal Agents

FROM: Craig E. Hartzer
Commissioner

DATE: May 5, 1999

SUBJ: DWD Communication # 98-59
Revised Sanctions Policy

RE: Workforce Investment Act (WIA) Title I Youth, Adult and Dislocated Worker,
Wagner-Peyser and other employment and training programs

Purpose:

To transmit policy regarding the state's approach to oversight. It is the Department of Workforce Development's (DWD's) intent to be fully supportive of the local delivery system. Technical assistance, clarification, and the reasonable corrective action opportunities will be offered first. This policy outlines the department's intent, and provides guidance concerning those instances where sanctions may become necessary.

The policy applies to programs funded under WIA Title I Youth, Adult and Dislocated Worker (including National Reserve, Defense Closure/Conversion, Clean air Act, and other dislocated worker initiatives); Wagner-Peyser (WP); and State Dislocated Worker funds [IC 22-4-41-5 (formerly called Public Law 38)].

This Department of Workforce Development(DWD) policy is based on sanctions-related sections of WIA, 184 and 188.

Rescissions:

DWD Communication E94P-9021 Chg. 1 Sanctions Policy
DWD Communication E94P-9031 Sanctions Policy

Content:

I. RESPONSIBILITY AND AUTHORITY

WIA indicates that the Governor is responsible for all funds granted to the State under WIA Title I Youth, Adult and Dislocated Worker. In turn, the Governor holds CEOs and Grantees responsible for all WIA funds they receive, including the proper expenditure, accounting, and reporting of such funds. The law and its accompanying regulations also makes the Governor responsible for monitoring subrecipient

compliance with WIA, pertinent rules, and other applicable federal and State laws and policies.

The Wagner-Peyser Act and its accompanying regulations also make the Governor responsible for all funds granted to the State. Through integrated services contracts, the Governor holds grantees accountable for the Wagner-Peyser funds they receive.

The same is true for other programs under which DWD grants funds including the State Dislocated Worker and other funds granted or contracted.

Management and Compliance Requirements: The requirements DWD uses for managing program grants are contained in:

- All federal and state statutes and regulations relevant to the specific programs.
- DWD policies, directives, and instructions including the Participant Management Information System manual, Procurement policies, applicable OMB Circulars, Local Plan Instructions, the Unified State Plan (which includes the State Plans for WIA Title I Youth, Adult and Dislocated Worker Funds and Wagner-Peyser), etc; and
- The grant or contract (including the narrative or plan and the grant/contract agreement - boilerplate, budget, and attachments) or interagency agreement.

Oversight Activities: DWD's grant oversight processes involve ongoing desktop and field monitoring to identify strengths and weaknesses. Deficiencies are addressed through technical assistance and corrective action requirements. In this manner, the state affords grantees maximum opportunity to address problem areas, comply with legal mandates, and earn incentive awards.

DWD will assess adherence to grant management requirements throughout the plan (or grant) period by various review processes. DWD may require grantees to take certain corrective actions, including the requirement to develop plans to correct deficiencies or situations which, if not corrected, could result in the grantee not complying with or continuing not to comply with the requirements of laws, regulations, or policies.

II. POSSIBLE VIOLATIONS FOR WHICH SANCTIONS MAY BE IMPOSED

It is DWD's intent to be fully supportive of the local service delivery system. To that end, sanctions will be a last resort. Technical assistance, clarification, and reasonable corrective action opportunities will be offered first. There may be instances where technical assistance would not be appropriate and where progressive action may begin without technical assistance. There may also be instances where a violation has not yet occurred, but the grantee will be notified of the potential problem so that corrective action may be taken on the recipient's own volition.

Problems in the administration and management of resources may include failure to meet outcome requirements, mismanagement, and/or non-compliance. Findings may be identified through desk-top monitoring, on-site monitoring auditing, or other means. The seriousness and frequency of a violation will be considered in determining the sanction(s) to be applied.

An essential prerequisite for issuance or continuation of a grant is a good faith response by grantee to DWD's corrective action or clarification requirements. Failure to respond in good faith to DWD's corrective action or clarification requirements will lead to progressive sanction activity.

Lack of good faith is defined as: 1) the grantee does not respond to the corrective action plan or clarification requirements within the timeframe allowed (or fails to negotiate an acceptable timeframe); 2) the response is inadequate and the grantee fails to develop an adequate response within the timeframe allowed; or 3) the response is adequate, but the subrecipient fails to fully implement the corrective action plan or implement/follow the clarification provided within the timeframe agreed upon.

Specific violations, although not all inclusive, which may result in the imposition of sanctions are outlined below. Any other violations of applicable laws and/or regulations for the various funding sources with which grantees are bound to comply may also result in the imposition of sanctions.

The precise nature of the sanction will be determined by the deliberateness, seriousness, and/or frequency of the violation. In situations where sanctions are applied, the grantee will be notified and will be provided with an appropriate opportunity to respond and appeal as outlined below.

DWD reserves the right to mandate that program funds to include incentive awards (or a portion thereof) be used for technical assistance in accordance with a DWD approved corrective action plan to correct compliance problems when certain sanctionable activities have taken place. DWD may also defer granting the incentive award until deficiencies are addressed and improved. The maximum time that the incentive award may be deferred is one year from the end of the program year for which the incentive award is granted (in other words, if the incentive award is for PY'99 performance, the grantee would have until the end of PY'00 to correct the problem(s) and claim the incentive award). If the deficiencies are not corrected within the allowable timeframe, award of the deferred incentive is forfeited.

III. SANCTIONS NOTIFICATION PROCESS

Before the imposition of any grantee sanctions, DWD will transmit a letter to the grantee indicating the violation. The letter will address the possible sanctions if the violation or problem is not remedied, appropriate clarifications are not submitted and adhered to, or the appropriate needed corrective action has not yet been undertaken. The letter may include a request for a meeting between the relevant parties and DWD to review the violation(s) and discuss appropriate corrective and other actions and will

also include timelines for instituting corrective action. This meeting should take place within 15 working days after receipt of the letter as indicated by certified mail.

If this meeting or the grantee's response and corrective action plan fails to resolve the difficulty, DWD will notify the grantee and relevant parties (with copies to the Workforce Investment Board (WIB) Chair) of its intent to impose a specific sanction. If the grantee is a fiscal agent rather than the LEO, a copy shall also be sent to the LEO. Such notification shall be received by the parties involved at least ten (10) working days before the scheduled imposition of sanctions, as evidenced by certified mail. The letter will also reiterate the violation, the corrective action needed, and the appeal process.

If satisfactory evidence of needed corrective action initiation is presented to DWD within this ten (10) working day period, DWD may postpone the initiation of sanctions until either the completion of the action within the DWD approved timelines or attainment of the State deadline without completion of the action. In the former case, the implementation of the sanctions may be lifted; in the latter, it will be imposed.

IV. SANCTIONS

Sanctions which may be imposed by the State upon grantees include (arranged in increasing severity):

- A. Imposition of a reorganization plan which may include:
 - 1. Decertifying the local board involved
 - 2. Prohibiting the use of certain eligible providers of training or one-stop partners identified as having poor performance
 - 3. Selecting an alternative entity to administer the program for the local area involved
 - 4. Merging the Workforce Investment area into one or more other existing Workforce Investment areas.
 - 5. Other relevant changes the Governor determines to be necessary, to secure compliance
- B. Restriction from bidding on competitive or discretionary funds.
- C. Repayment of amounts resulting from violations of cost limitations/minimums/maximums and/or failure to match reported expenditures.

If the grantee does not meet cost limitations, such overages or shortages must be repaid by non-WIA dollars.

If a WIA grantee does not meet cost limitations the grantee may lose eligibility for bidding on discretionary project grants.
- D. Disapproval of requests for specific fund drawdowns until the violation or deficiency has been corrected.

- E. Disapproval of requests for all fund drawdowns until the violation or deficiency has been corrected.
- F. Disallowance and repayment of costs associated with the particular violation or deficiency.
- G. Revocation of all or any part of the grant agreement affected.
- H. Revocation of a Local Plan until conditions, violations, or deficiencies have been corrected.

Note: As indicated above, the imposition of a sanction will be made after considering the deliberateness, seriousness, and/or frequency of the violation or deficiency.

V. SANCTIONING PARAMETERS

Section 184 of WIA details the criteria/parameters that the U.S. Secretary of Labor uses in determining when to apply sanctions. In conformance with this federal law, Indiana is establishing a complementary State policy. The State considers its grantees accountable for actions taken, directly or indirectly, through service providers. As such, the State will look to its grantees for corrective action, even where the violation or deficiency involved only a service provider. Specifically the State will continue to:

- Undertake periodic review and monitoring of its grantees' activities for compliance with WIA, federal regulations, and State policies and procedures.
- Identify and notify grantees of problem areas discovered during review and monitoring and outline action required, including time schedules.
- Continue to monitor implementation of corrective actions for resulting improvements in the deficient area(s). Where corrective action is on-going (e.g. debt collection for misexpenditure of funds), no further action or sanction would be imposed unless corrective action was not completed or had failed.

The State may waive the imposition of certain sanctions if it determines there has been adequate grantee action to:

- Establish and adhere to an appropriate system for the award and monitoring of contracts with subgrantees which contains acceptable standards for ensuring accountability.
- Enter into a written contract with such subgrantee which establishes clear goals and obligations in unambiguous terms.
- Act with due diligence to monitor the implementation of the subgrantee contract, including carrying out the appropriate monitoring activities including

audits at reasonable intervals.

- Take prompt and appropriate corrective action upon becoming aware of any evidence of a violation of WIA, federal regulations, and State policies and procedures by such grantee.

VI. STATE APPEAL PROCESS

Appeals may be made to the Commissioner of DWD within ten (10) working days after receipt of notification of pending sanctions. Such an appeal, however, will not forstall the initiation of sanctions (unless the Commissioner extends the deadline).

If satisfactory evidence of needed corrective action initiation is presented to DWD within this ten (10) working day period, DWD may postpone the initiation of sanctions until either the completion of the action within the DWD approved timelines or attainment of the State deadline without completion of the action. In the former case, the implementation of the sanctions may be lifted; in the latter, it will be imposed.

Effective Date:

July 1, 1999

Ending Date:

On going

Action:

No action required

GENERAL APPEAL PROCESS

